United States Court of Appeals

for the Second Circuit

APPELLEE'S APPENDIX

74-1193

United States Court of Appeals

FOR THE SECOND CIRCUIT

Docket No. 74-1193

UNITED STATES OF AMERICA,

Appellee,

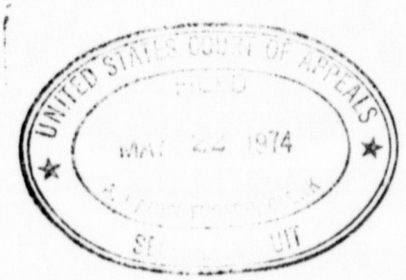
—v.—

CHARLES HARRIS and RONALD CATRON,

Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

APPENDIX FOR THE APPELLEE



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INDEX TO APPENDIX

Since the transcript references reproduced in the appendix appear in the order they appear in the brief, no index is provided.

JUDY TORAK, called as a witness, having first been duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK: State your name and address.

THE WITNESS: Judy Torak. Derby, Connecticut. Judy Bishop Torak.

DIRECT EXAMINATION

BY MR. MAXWELL:

Q Are you employed?

A Yes, sir.

Q By whom?

A Derby Savings Bank.

Q In what capacity?

A As a teller.

Q Were you so employed on November 6, 1972?

A Yes.

Q Did anything unusual occur on that day?

A The bank was held up.

Q Were you present in the bank when the bank was held up?

A Yes.

Q Do you recall approximately what timethe robbery took place?

A 11 o'clock.

Q At 11 o'clock, what were you doing?

A. I was -- I finished working on one of my customers and was getting ready to go to lunch.

Q. As you were getting ready to go to lunch, did you do anything when getting ready to go to lunch?

A. Just picked up my pocketbook.

Q. After you picked up your pocketbook, did you observe anything?

A. Three men entered the bank.

Q. I show you Government Exhibit 3. Does that photograph show the approximate location of your teller station?

A. Yes.

Q. Would you point to it andshow the ladies and gentlemen of the jury where it is?

A. Right here.

Q. You are pointing to a place where it happens to be in that photograph a woman customer at your teller station?

A. Yes.

Q. Did you see the three men come into the bank?

A. Yes, I did.

Q. Did you see them come through the doorway?

A. Yes.

Q. Did they go back to your teller station?

A. Yes, they did. They walked right past it.

Q. Did you happen to notice anything about the rate of

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speed at which they were walking as they passed you?

A They were walking fast.

Q Did you observe anything of these three people who came into the bank as to their sex, their race, their age, how they were dressed?

A They were males and they were Black.

Q Could you tell anything with regard to their age?

A They all looked like they were in their 20's, early 20's.

Q Could you observe anything as to their clothing?

A The first one had three-quarter length coat and a beret, and the second one I just noticed a hat, a safari type hat, and I don't know about the third one.

Q With regard to their height, could you describe them in comparison to each other?

A The first one was about five foot, three; the second one was about six foot, two; and the third one was about six foot.

Q Did there come a time when somebody came behind your teller station where you were?

A Yes.

Q What did you observe at thattime, was this subsequent to seeing the three men come into the bank?

A Yes.

Q What happened then?

JUNE DAVIES, called as a witness, having first been duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK: State your name and address.

THE WITNESS: June Davies. Buswell Street, Ansonia.

DIRECT EXAMINATION

BY MR. MAXWELL:

Q Mrs. Davies, would you try and speak into the microphone so everybody in the courtroom can hear you?

Are you employed at the present time?

A Yes, Derby Savings Bank.

Q Were you so employed November of 1972?

A Yes, I was.

Q Did anything on the day of November 6, 1972 -- did anything unusual occur?

A It certainly did. We were held up.

Q Were you in the bank when it was held up?

A Yes, I was.

Q Do you know what time the robbery took place?

A It was about 11 o'clock.

Q At that point in time were you doing anything?

A Yes. I was verifying cash that had been brought over from the main office.

Q Do you know whether or not your bank contains a security device known as a bank surveillance camera?

A Yes, we do.

Q Where would that camera have been located with reference to your position in the bank at that time, where you were in the bank at approximately 11 o'clock.

A Well, it was in back of me, down in back. A few feet down the walk.

Q What was?

A I was standing here, it was down in back of me like over my left shoulder.

Q Did you see robbers come into the bank?

A Yes, I did.

Q What did you observe when you saw somebody come into the bank?

A I saw three Black males come in and I thought it was queer because they didn't stop at the tellers' cages, they came right down, came in quite fast, down towards the back.

MR. MAXWELL: May these be marked for identification?

Q I show you Government Exhibit 6, 7 and 8. I would ask you to look through them yourself, don't show them to anyone else but yourself, and do you recognize what's pictured in those exhibits for identification?

A Well, here --

Q Just answer my question. Do you see what's pictured in those exhibits, do you recognize what's pictured?

A Yes.

Q Do those photographs there -- do you know what camera they are from?

A Yes.

Q What camera is that?

A The surveillance camera.

Q Do those photographs fairly and accurately depict the situation in the bank, both immediately preceding the robbery and as the robbery commenced?

A Yes.

MR. CLIFFORD: I object to the leading character of the question. First of all, she is testifying about something that's an exhibit. She said she could identify it, yes, and I think the next procedure is to offer the pictures as an exhibit before she testifies to what they contain.

THE COURT: Oh, no. He is still asking the normal qualifying question.

Q Showing you Government Exhibit 8 for Identification, do you recognize what that is?

A Yes.

VOIR DIRE

BY MR. GRAY:

Q With respect to that film and camera, is there a particular day that Mr. Buckley loads the film each week?

A I believe there is. He usually loads it in the morning when he first comes in.

Q Would this be on a Monday morning, every Monday morning or Friday morning, if you know?

A I really don't know.

MR. GRAY: Thank you very much. I have no objection.

THE COURT: Full Exhibits 6, 7 and 8.

(Government Exhibits 6, 7 and 8 were received in evidence.)

BY MR. MAXWELL:

Q Showing you Government Exhibit 6, 7 and 8, I would like you to hold up Government Exhibit 7 and display it to the jury, the one on the bottom, I believe --

A That's 7 --

Q Excuse me, Government 6. Display it to the jury, and would you describe to the ladies and gentlemen of the jury what's pictured in that photograph there?

A Well, this here is me on the phone, and this is our front door, and I was holding the phone like this, and I was

verifying money. I was talking to one of our branches at the time, and down here is when they are coming in the door.

Q You say down here. You are pointing to the bottom frame.

A The bottom picture. These people coming in the door, and I picked my head up and I was looking, and I still had the phone in my hand.

Q Does the bottom frame there, what does that show, who coming in the door?

A It shows three men coming in the door.

Q Which three?

A Three, the men that robbed us.

Q It shows them coming in the door?

A And they are walking down toward where I am, and I picked my head up and can see here, from the phone.

Q Government Exhibit 7, what -- is it -- what is the top frame, is that a duplicate of the bottom frame?

MR. GRAY: If your Honor --

A Just about, yes.

MR. GRAY: -- I have an objection at this point. I didn't say anything before, but it's my understanding that once these photographs, or other evidence, for that matter, has been admitted, it speaks for itself. As I understand these questions, they are

now, and then turning to the witness and asking for a detailed explanation of what does this picture mean to you.

THE COURT: No, she hasn't been asked what does it mean to her.

MR. GRAY: Not what it means, but what does it show to you.

THE COURT: I can only deal with it question by question. If he is asking about things that are as obvious to the jury as they are to the witness, you will have a proper objection, but on other matters, perhaps she can enlighten the jury, so I can't deal with that objection in general.

MR. GRAY: May the last question be read back?

THE COURT: Read the question.

(Question read.)

MR. GRAY: I withdraw the objection tothat particular question. It calls for a yes or no answer.

BY MR. MAXWELL:

Q Mrs. Davies, referring you to Government Exhibit 8, can you tell us what that photo is?

A It shows the three robbers coming down and me on the phone, and I am looking at them, and they are heading down toward the back of the bank. When they came down, I went around

into the tellers' cages.

Q Is it the same photos as the others, except a larger one?

A It's a larger one, yes.

Q You stated that as the robbers came into the bank, you were talking on the telephone?

A Yes. I was talking and I was counting money at the same time.

Q Were you at a teller's station at that time?

A Yes, I was.

Q Did your drawer contain funds of the bank?

A Yes, it did.

Q Did your drawer contain bait money?

A Yes, it did.

Q After you saw these three men come into the bank, what was the next thing you saw, did you watch them as they came into the bank?

A I watched them as they were coming down, and it hit me right away what it was. I realized --

Q I just asked you if you watched them.

A Yes.

Q What did you see them do?

A Well, they came in the door and were coming down, and they were coming quite fast, and I knew instinctively what was

happening.

Q What did you observe the various robbers do, yourself, what did you personally observe?

A They came down -- you mean their actions?

Q Yes.

A They came down, as they went by me, they said, "Don't push any buttons, don't push any buttons," and then two of them came down around in back of me into the tellers' cages, and one of them went all the way down, and the other one stopped by me.

Q You said two of them came behind the tellers' cages?

A Yes.

Q Did you observe what the third one did?

A He went over toward the lavatory where Mr. Buckley was.

Q Did you observe anything take place over in that area?

A I saw Mr. Buckley come out of the lavatory, yes.

Q Did you observe Mr. Buckley as he came out of the lavatory?

A Yes.

Q What did you observe?

A Fright.

Q Did you observe a firearm on this third robber at that time?

A Pardon me?

Q Did you see a gun?

A Yes.

Q On the third you saw a gun, with the third robber?

A They all had --

Q With reference to the three people as you saw them come in the door and come down towards you, could you describe them as to their height?

A The first one was not too tall, maybe a little shorter than I am, and the second one was taller, and then the third one was a little shorter.

Q Shorter than --

A Probably shorter than I am.

Q The two that came behind the counter, you said one went down, did you notice where that one went?

A He went down where Mrs. Lonergan and Mrs. Torak --

Q Which robber would that be?

A That was the first one.

Q What about the other robber, the second one, what did you observe about him?

A He stayed right where I was standing.

Q When he was standing right where you were standing, did he do anything, did you observe him do anything?

A Well, he had a gun and he was telling me to open up, open it up and open it up, and it's a counting machine. I said

A Well, he was pushing the gun at me and telling me to open it up, and I was telling him I can't open it up, it's a machine.

Q How did you feel while this was going on?

A Scared.

Q Was the gun being pointed at you?

A That's right, it was.

Q Did you have any other feelings?

A I was going to pass out.

Q Were you looking at the individual, this individual who was holding the gun on you?

A I was, but I was also looking at the gun.

Q What did you observe about the gun?

A It wasn't a new gun. It looked like it was black, blue-black. I don't know, about a barrel three or four inches long.

Q How tall are you?

A Five-nine.

Q This robber pointing the gun at you at this point in time, with reference to yourself, was he shorter than you, your height or taller?

A A little taller.

Q Do you recall how he was dressed?

A Yes.

Q How was that?

Q Was he holding -- question withdrawn.

Did you go back into the bathroom?

A Yes.

Q Did the door to the bathroom remain opened or closed?

A It was open.

Q Were you able to see out of the bathroom?

A Yes.

Q Where was he during this?

A He would have been next to the door.

Q Was the gun still pointing at you?

A I don't recall.

Q Was his face to you, or was his back to you?

A At that point, I think he would have been sideways or back towards me, because people coming towards me then, the other employees.

Q You say people comingtowards you?

A Yes.

Q Why were you able to observe that there were people coming towards you?

A Three girls, Mrs. Davies and Mrs. Donergan and Mrs. Torak were all coming, being herded towards me, and two other people in the bank at that time.

Q You say two other people in the bank at that time. What

A. He had a hat on, sort of a Kelly type hat, with a brim down, and his hair was sticking out from under it, and sideburns.

Q. Were you able to observe anything -- could you make -- question withdrawn.

Could you say how old he was from that view that you had?

A. I would say he was in his 20's.

Q. Can you describe his face in any way?

A. The only thing I remember was kind of long, thin --

Q. I didn't hear that.

A. Kind of long.

Q. Mrs. Davies, did there come a time during the robbery when you left the area when this man was holding a gun on you?

A. Yes. They made us go out and go over into the lavatory.

Q. As you went into the lavatory, were you able to observe anything about the other robbers?

A. No.

Q. Did you get a look at the third robber, the third one in the bank?

A. I saw him, but nothing was too definite on him.

Q. Did you notice whether or not he was wearing glasses?

A. I think he had wire rim glasses, gold rim.

A. To the East Derby office.

Q. How much did the shipment of currency consist of, what was the amount of shipment?

A. Over $48,000.

Q. Was this placed in the bank?

A. Yes.

Q. Were you in the area of the bank which you transact banking business when the robbery occurred?

A. I myself was inthe bathroom.

Q. Let's start at that point. I want you to tell us exactly what you recall from that point on. Did you exit the bathroom at some time?

A. I opened the bathroom door to come out, and there was a man standing there pointing a gun at me as I tried to come out the door.

Q. Did you notice the gun?

A. Oh, yes.

Q. Did you take a look at the man that was holding the gun?

A. Yes, I did.

Q. What did you observe of the gun, did you see what kind of gun it was?

A. It appeared to be a small automatic, it was black in color.

Q Was anything said to you while you were in the bathroo
by any of the robbers?

A Somebody said, "Stay in there and don't come out."

Q Did all of you remain in the bathroom?

A Yes.

Q At some point in time, did you leave the bathroom?

A Yes.

Q Did anything occur prior to your leaving the bathroom?

A Yes, I heard our phone ring.

Q Did it ring for a period of time?

A Yes, it rang at least five or six times.

Q Did you exit the bathroom then?

A No.

Q At what point did you exit the bathroom?

A I would say roughly five minutes.

Q When you exited the bathroom, what did you do?

A I came out.

Q Were you the first one out?

A I was the first one out, and I went directly behind the tellers' counters and looked in the cash drawers, the first two cash drawers, and I could see where the currency had been, and both were empty.

Q Prior to the robbery, do you know of your own knowledge the currency was in those drawers?

A. Yes.

Q. Continue, sir, what you did then.

A. At that point I pulled the manual alarm that we have with the Burns agency in New Haven and I picked up the telephone and called our security officer in the main office to tell him that we had an armed robbery.

Q. What did you do next?

A. There were two customers in the lobby at this point, and I told him that they had to leave, that we couldn't conduct business any longer that day.

Q. Did you yourself summon the police to the scene or FBI agents?

A. I didn't, no.

Q. Did you press the burglar alarm, the robbery alarm?

A. Yes.

Q. Where does that alarm go to, if you know?

A. The Burns agency here in New Haven.

Q. Mr. Buckley, at some point during the -- subsequent to the robbery on November 6, did you participate in an audit of the bank's of your branches funds to determine the amount of the loss?

A. Yes.

Q. Do you know who that audit was performed by?

A. It was performed by our bank auditor, myself and Mrs.

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were used inthe audit of the bank on November 6, 1972?

A Yes, they were.

Q Did you arrive at a figure which was the amount of money that the bank lost -- loss the bank had sustained?

A Yes.

Q What was that figure?

A $9,663.

Q Any cents to that?

A No, there wasn't.

Q Are these records which I have handed you the copies maintained by your bank as official records?

A Yes.

MR. MAXWELL: Nothing further.

MR. GRAY:: We have no questions.

MR. CLIFFORD: No questions.

(Witness excused.)

(Conference at the bench.)

MR. CLIFFORD: Your Honor, something has just come to my attention that may make my motion to suppress longer than I anticipated, documents were just turned over to me this morning.

THE COURT: Do they affect this witness?

MR. CLIFFORD: No. The document that came to my attention concerns this witness was just given to me

Q On November 6, 1972, was the Derby Savings Bank insured by the Federal Deposit Insurance Corporation?

A Yes, it was.

Q Have you brought with you today the certificate?

A Yes, I have it here.

Q May I have it?

MR. MAXWELL: Counsel have agreed that we will put in a duplicate of the FDIC certificate.

MR. CLIFFORD: That's correct.

MR. GRAY: That's right.

THE COURT: Exhibit 10 without objection.

(Government Exhibit 10 was received in evidence.)

Q I show you Government Exhibit 10. Do you recognize this? Is this the FDIC certificate?

A Yes, it is.

Q Or a duplicate of it?

A Yes.

Q The morning on which the robbery occurred and prior to the robbery, had you been in the bank the entire morning?

A Yes, I had, except for one period.

Q What was the one period?

A I asked a Derby police officer to pick up an order of currency, and I returned with it just prior.

Q You returned with it to where, sir?

A. Yes, on that night in question, we went to Wawas Food Market. First, we went to a wake, and after the wake, we went to the Wawa Food Market. When we entered in there, I had to wait for a car to come out, and after the car came out --

Q. Slow down for a second. You drove to the Wawa Food Market?

A. Right.

Q. Were you alone?

A. No, I was with my wife.

THE COURT: Are you offering this in both cases?

MR. MAXWELL: Only the Harris case.

THE COURT: You will consider all of this testimony of this witness only in the caseof defendant Harris and not in the case of defendant Catron.

MR. GRAY: Thank you, your Honor.

Q. Mr. Petrowski, are you familiar with the location of the Derby Savings Bank?

A. Right.

Q. Where is it in relation to the Wawa Food Market?

A. It's almost on the extreme end. Wawa is on one side and the bank is on theother end of the building, in the same building.

Q. What are the parking facilities at that area?

A. Very good. It's quite a big area.

Q On this evening we are talking about, November 5th, you said you went to the Wawa Food Market?

A Right.

Q Would you describe what happened from the time you got to the Wawa Food Market, where you parked and what you observed?

A We parked in front of the Wawa Food Market and when I got there this other car came and parked near the bank in front of the bank, which is --

Q The other car, did you observe what type of a car it was?

A It looked like a Buick. It was a Buick, vinyl top, tan colored car.

Q Now, Mr. Petrowski, at that time when this Buick parked there, where would it park in relationship to the Wawa Food Market?

A Very far off from the Wawa.

Q Where in relationship to the bank?

A Almost directly in front of it.

Q Were there any other cars in the parking lot at this time?

A No. There were no other cars there, just the two.

Q Did you notice anything with regard to the occupants of the Buick that you observed parked in front of the bank?

A Well, a Negro.

Q When you got to the parking -- when you got to the Wawa Food Market, did you get out of your car?

A Yes, I did.

Q Did you go into the market?

A Yes, I did.

Q Did you make any purchases at the market?

A Yes, I bought some groceries.

Q Did you observe any person in the market?

A Yes, I did.

Q Did you observe what he purchased?

A Yes.

Q What purchase did you observe?

A He bought a pack of cigarettes.

Q Can you describe the person?

A Yes. He is about six feet, well dressed, he Afro hairdo.

Q Do you know how old a person he would be?

A I assumed he was in his late 20's.

Q Was it a White person or a Black person?

A No, he was a Black man.

Q Did this person appear to be a neat person to you?

A Yes.

Q Well groomed?

A Yes.

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Q Did you notice them do anything?

A Well, one of them got out ofthe car.

Q Did you observe from which side of the car the person got out?

A From the driver's side.

Q Did you observe what this person did?

A He went into the Wawa store and a few minutes later he came back out, and he went --

Q Where was your wife at this time?

A She was in the store at the time.

Q You said the person who had gotten out of the Buick went into the store and he subsequently came out of the store?

A Right.

Q And can you describe this person at all?

A Well, he was tall, slender, medium colored Negro, wore a tan jacket. Afro hairstyle.

Q Did you observe what thisperson did when he came out of the store?

A He went into the car on the driver's side.

Q Did the car remain where it was parked?

A Yes, it did.

Q Did there come a time when your wife came back to your car?

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A. Right.

Q. Did she get into the car?

A. Right.

Q. Now, did there come a time when you left the parking lot?

A. Yes.

Q. As you were leaving theparking lot, did you give your wife any instructions?

A. Yes. I told her to put that number of the car on a piece of paper, whatever.

Q. You say the number of the car. What are you referring to?

A. The car that was parked in front of the bank.

Q. What number?

A. That, I don't know what number it is now.

Q. What type of a number? Are you referring to the license plate?

A. License plate number, right.

Q. Mr. Petrowski, did you drive anywhere near this car?

A. We drove right in back of it.

Q. Did you observe your wife do anything?

A. She put the number down. She put it on a paper bag that we had in the car.

Q. I show you Government Exhibit 29 for Identification and I would ask you to look at this paper bag and see whether or not

you recognize it?

A. Right.

Q. You do recognize this paper bag?

A. Yes.

Q. Is there anything on the paper bag that appears familiar to you?

A. Well, the number does, and my wife's initials.

Q. Mr. Petrowski, did you leave the parking lot that night?

A. Yes.

Q. Where did you go?

A. We went home after that.

Q. The next day, what did you do?

A. We had to go to a funeral the next day.

Q. Was this a relative?

A. My son's father-in-law.

Q. Is your son employed?

A. Yes, he is.

MR. CLIFFORD: Objection. I don't see the relevance of this.

THE COURT: Are you going on to develop matters about the son?

MR. MAXWELL: Nothing definite, but just the chain of how this came into our possession.

Q Mrs. Petrowski, did there come a time when you left the Wawa Food Market?

A Yes.

Q Did you get into your automobile?

A Yes, we did.

Q Did there come a time when your husband drove out of the parking lot?

A Yes.

Q As you were driving out of the parking lot did you do anything?

A Yes.

Q What did you do?

A My husband told me the car looked very suspicious, to write down the marker numbers, which I did on my grocery bill.

Q I show you Government Exhibit 29 and ask you to look at this and see if you recognize it?

A Yes, sir, that's my handwriting.

Q Are there any other marks of yours on it?

A My initials.

Q Is there a date under that?

A Yes, 11/8/72.

Q Did you put all of the writing on that yourself?

A Yes, I did.

Q Where did you put these letters and numerals on it?

A. Looking at the car, as I was looking at the car, I was jotting it down.

Q. Did you do something with this paper bag after that?

A. Well, I had my groceries in it, and I just put it on top of my refrigerator.

Q. Did you give it to someone later on?

A. Yes, I did.

Q. Who did you give it to?

A. To Mr. Townsend.

MR. CLIFFORD: No objection.

THE COURT: 29 is a full exhibit in the Harris case only, not to be considered in theCatron case.

(Government Exhibit 29 was received in evidence.)

Q. Mrs. Petrowski, would you read the numbers on this side of the paper?

A. LH 6795.

Q. From where did you obtain those numbers, where did you get that information?

A. We were very close to the car.

Q. Did you copy it from the license plate?

A. Yes, I did.

Q. Where was this car parked?

A. Directly in front of the Derby Savings Bank.

Q. Did you notice whether there were any occupants in the

vehicle when you copied this down?

A. Yes.

Q. How many people were in the car?

A. Well, I had seen two in the front, and just about barely make out one in the back.

MR. MAXWELL: You may inquire.

CROSS EXAMINATION

BY MR. CLIFFORD:

Q. Good morning, Mrs. Petrowski.

A. Good morning.

Q. Mrs. Petrowski, the Wawa Food Store is open until very late at night?

A. Yes, they are.

Q. They are open on Sunday?

A. Yes.

Q. It's a convenient store, is it not? When you can't buy elsewhere, you go to the Wawa STore, isn't that right?

A. Well, late in the evening, yes.

Q. That's why you were there, isn't that right?

A. Yes.

Q. You knew they would be open and you knew they would sell you something, isn't that right?

A. Yes.

Q. And you knew that other stores like that were not in the

DANIEL BUCKLEY, having been previously duly sworn, resumed and testified further as follows:

(Jury entered courtroom at 10:40 a.m.)

MR. MAXWELL: The government offers Government Exhibit 11 for Identification as a full exhibit. It is a certified copy of an automobile registration in the name of Charles Harris. It indicates that a vehicle identified as a 1970 Buick, tan, 8-cylinder, two-door sport coupe, bearing registration number LH6795 was registered to Charles Harris in 1972.

MR. CLIFFORD: So stipulated.

THE COURT: There is no objection to the exhibit?

MR. GRAY: No objection.

THE COURT: 11 is a full exhibit without objection.

(Government Exhibit 11 was received in evidence.)

DIRECT EXAMINATION CONTINUED

BY MR. MAXWELL:

MR. MAXWELL: Read back the last question to Mr. Buckley when we recessed yesterday.

(Question read.)

Q Can you answer that question, what did you observe of those two other people?

A Yes.

Q Would you do so?

MR. CLIFFORD: One further thing, I do not object to Mr. Maxwell showing the picture to Mr. Harris. I do not want it then claimed as an opening of the door for other people to come in to make an identification from the picture on the basis that I didn't object at this time. It should be clear that this is done on government's case and does not open the door on that issue.

THE COURT: All right.

(Conference at the bench concluded.)

CROSS EXAMINATION

BY MR. MAXWELL:

Q Good morning, Mr. Harris.

A Good morning.

Q I believe yous tated your address is 14 Olson Drive?

A Yes, sir.

Q Are you currently residing there?

A Sometime I stay there, and sometime I stay with my kids with their grandmother.

Q When you reside at 14 Olson Drive, do you reside there alone?

A My mother and sister.

Q Mr. Harris, in November of 1972, the first part of November, say November 1st, 1972, did you own a Buick Electra

225?

A. Yes, sir.

Q. What was the year of that car?

A. 1970.

Q. Do you recall what color the car was?

A. It was gold, black vinyl top.

Q. What color was the top of it?

A. Black vinyl.

Q. Is it fair to say that the top of the car was darker than the rest of the car?

A. It was black.

Q. Mr. Harris, do you still own that car?

A. No, sir.

Q. Mr. Harris, I believe Mr. Clifford inquired of you and you indicated -- you had gone to the tenth grade in school?

A. Yes, sir.

Q. Are you able to read?

A. Not that well, but I can read.

Q. Are you able to write?

A. Yes, sir.

Q. I believe Mr. Clifford inquired and you stated you were in the United States Marine Corps?

A. Yes, sir.

Q. Did you volunteer for duty in the Marine Corps?

F R A N K P O L I Z Z I, called as a witness, having first been duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK: State your full name and address.

THE WITNESS: Frank Polizzi. 69 Gordon Road, Milford.

DIRECT EXAMINATION

BY MR. MAXWELL:

Q Mr. Polizzi, would you mind sitting up forward in your chair?

Are you employed?

A Yes, sir.

Q By whom?

A Town of Orange.

Q What function, what job do you have with the Town of Orange?

A A police officer.

Q Were you employed by the Town of Orange in November of 1972?

A Yes, sir.

Q In the same capacity you are employed today?

A Yes, sir.

Q I refer you to the date of November 5th, November 6th, 1972. Were you working on November the 5th -- November 6th,

would you advise us of the time that this occurred and the other particulars concerned with the automobile?

A. It's approximately 2:20 a.m., I was traveling west on Route 34, I observed a 1963 Chevrolet convertible who was wheeling across the center line. I stopped this vehicle approximately 75 feet west on 34 from 121, Grassy Hill Road, which is approximately 350 feet of the Derby line.

Q. Officer Polizzi, you said you stopped this vehicle on Route 34. Does Route 34 have another common name?

A. Derby Avenue.

Q. When you stopped this vehicle, were there any occupants in the vehicle?

A. Yes, there was. There was the operator and three passengers.

Q. Were all of the occupants in the vehicle of the same sex?

A. No, there was two males in the front seat and two females in the rear.

Q. Did you bring with you in court today the notation of this arrest?

A. Yes, sir, I did.

Q. May I see that?

I show you Government Exhibit 27 for Identification. Do you recognize what that is?

Q Do you see one of theoccupants of that vehicle in this courtroom here?

A Could the young lady over here stand up, please?

MR. MAXWELL: Would you stand up?

A That's the young lady right there.

Q This person was one of the occupants of the vehicle that night?

A Yes, sir.

Q I believe you indicated that the stopping of this vehicle took place at approximately 2:20 a.m.?

A Yes, sir.

Q Is there a notation of the time that this occurred on that Government Exhibit 27?

A Yes, sir.

Q Officer Polizzi, did you arrest the operator of the vehicle?

A Yes, sir, I did.

Q Who was that?

A That was Charles Gray.

Q Officer Polizzi, did you take that individual you arrested into custody?

A Yes, sir, I did, and transported him to the P.D.

Q Do you know what was done with him once he got to the P.D.?

A. Yes, he was processed and he gave identification of Carl James.

Q. Did he remain in custody?

A. Yes, sir.

Q. For how long?

A. A period of approximately six and a half hours.

Q. So are you sayingthat sometime during the morning of November 6 he was released by the Orange Police Department custody?

A. Yes, sir.

THE COURT: I assume you want the record to reflect that the witness identified Edna Rene Jones as the occupant of the car?

MR. MAXWELL: Yes, your Honor, if the record may reflect that.

MR. GRAY: Yes, it should.

Q. Officer Polizzi, what was done with the vehicle that these individuals were driving, the vehicle that you stopped?

A. The operator and the three occupants didn't have a license on their possession, and the vehicle was towed in.

Q. Would it be fair to say it was impounded?

A. Yes, sir.

Q. Did you observe what the other occupants of the

not the question that's the evidence before you, it's the witness' answer, so the question referring to some otherperson and the witness' negative response are not to be considered by the jury at all.

BY MR. MAXWELL:

Q Do you know somebody the name of Beattie?

A Yes.

Q Miss Jones, on the night before the bank robbery, did you see Beattie?

A Yes.

Q Where did you see Beattie?

A Over at Pat's house.

Q Over at Pat's house?

A Yes.

Q This is that Pat Gray whom you mentioned?

A Uh-huh.

Q Miss Jones, when you left the house, when you left Pat Gray's house, did Beattie accompany you?

A Did he come?

Q Did he come?

A No, he didn't come, he stayed.

Q He stayed there?

A Uh-huh.

Q So the group that left was who, who did it include?

A. Me, Carl, Prest and Giant.

Q. Where did you go?

A. We were on our way to Ansonia.

Q. How were you going to get there?

A. In his car.

Q. In whose car?

A. Beattie's car.

Q. Yes, Carl.

A. Did you get into Beattie's car?

A. Uh-huh.

Q. Who was the driver?

A. Carl.

Q. Where did you go after you got into the car?

A. We started to Ansonia, and then that's when we got stopped in Derby.

Q. You got stopped?

A. Uh-huh.

Q. Who stopped you?

A. One of theDerby policemen.

Q. After you were stopped, what happened then?

A. After we were stopped, me, Giant and Prest, we walked to a telephone booth.

Q. Where was Carl?

A. He was still at the -- talking to the policemen.

A. Yes, he was processed and he gave identification of Carl James.

Q. Did he remain in custody?

A. Yes, sir.

Q. For how long?

A. A period of approximately six and a half hours.

Q. So are you sayingthat sometime during the morning of November 6 he was released by the Orange Police Department custody?

A. Yes, sir.

THE COURT: I assume you want the record to reflect that the witness identified Edna Rene Jones as the occupant of the car?

MR. MAXWELL: Yes, your Honor, if the record may reflect that.

MR. GRAY: Yes, it should.

Q. Officer Polizzi, what was done with the vehicle that these individuals were driving, the vehicle that you stopped?

A. The operator and the three occupants didn't have a license on their possession, and the vehicle was towed in.

Q. Would it be fair to say it was impounded?

A. Yes, sir.

Q. Did you observe what the other occupants of the

vehicle did after you had arrested Carl Gray?

A. Yes, sir. They asked if they could leave the scene.

Q. Did you observe them leave the scene?

A. Yes, sir, they crossed the westbound lanes into the eastbounds, walked on the side of the road toward Derby.

Q. Are you familiar with the location of the east side branch of the Derby Savings Bank?

A. Yes, sir.

Q. The direction which the three occuparts of the vehicle were walking, was that -- were they walking in the direction of the location of that bank?

A. Yes, sir.

Q. How far would the Derby Savings Bank be located from the area where you stopped these individuals?

A. Within a half a mile.

Q. Officer Polizzi, with regard to the three other occupants of the vehicle, did you request any identification from them?

A. Yes, sir, I did.

Q. Did they produce any?

A. No, sir, no identification at all.

Q. The descriptions that you noted on the back of Government Exhibit 27, was that from observation?

A. Yes, sir.

Q Is it fair to say thatCarl and the car stayed with the policeman?

A Uh-huh.

Q And then you and Giant and Prest went someplace?

A Yes.

Q Where did you go?

A We went to the telephone booth out by the Derby Savings Bank.

Q You said you went to a telephone booth out by the Derby Savings Bank?

A Yes.

Q How close to the bank is this telephone booth?

A Right next to it.

Q When you got to the telephone booth, what happened then?

A After that Giant made a phone call, and back to New Haven to have someone pick him up.

Q Do you know who Giant called?

A Yes.

Q Who did he call?

A He called over on Howard Avenue.

Q To what person?

A Over Charle's house.

Q He called who?

A. Over Charles' house.

Q. He called over to Charles' house?

A. Uh-huh.

Q. By Charles' house, who do you mean?

A. Over on Howard Avenue.

Q. Who do you mean, what person?

A. Huh?

Q. You say he called over to Charles' house. Who is Charles that you're referring to.

A. Him.

Q. You pointed to somebody. You mean the person you previously identified?

A. Yes.

Q. After this telephone call, Miss Jones, what happened then?

A. Then, after that, the ride came, but --

Q. What did you say there?

A. I said after that the ride came, but Charles didn't come.

Q. You said the ride came?

A. Uh-huh.

Q. When you say "ride", are you referring to a vehicle came?

A. Uh-huh.

Q Whose vehicle came?

A It was Charles.

Q Charles' car came up?

A Uh-huh.

Q And this is to where you were by the phone booth?

A Yes.

Q Was Charles in the car?

A No.

Q Did you observe who the driver of the car was?

A Yes.

Q Did you know who the driver of the car was at this time, had you ever met this person before?

A No, I hadn't met him.

Q Could you describe him as to whether it was amale or female?

A It was a male.

Q Was this person a Black person or a White person?

A He was Black.

Q Was it an older person or a younger person?

A He was a younger person.

MR. GRAY: If your Honor please, it's a little late now, but I'm going to object again on the grounds of leading.

THE COURT: I don't think those alternatives

that the witness is using her hands to describe -- she made an arc around her head with reference to the hat, and her hands went down to show hair, presumably hair going down this person's neck or face.

THE COURT: The record won't reflect any presumption.

MR. GRAY: She is making movements with her hands to describe hair coming down as to the shoulder.

THE COURT: All right. The jury saw her hands, and for whatever guidance it may provide on it, the record will reflect that.

Q Miss Jones, can you describe this person with regard to whether he was a dark skinned Black person or a light skinned Black person?

A He was a slight skinned, light brown.

Q I can't hear you.

A He was light skinned.

Q Up to that point in time, this is the night before -- what time is this when this car arrived outside of the bank?

A It was pretty late. About 3:00.

Q You say 3:00. Would that be the a.m. or the p.m., are you talking about 3 o'clock in the morning?

A Yes.

Q Miss Jones, do you see the person in this courtroom

here today who was driving that car?

A Yes.

Q I want you to leave the witness stand and go over and point to him.

A That person.

Q That person.

MR. MAXWELL: May the record reflect that the witness has pointed to Ronald Catron?

THE COURT: Yes, it may.

Q Do you know the first name of the person you pointed to there?

A Uh-huh.

Q Do you know how he is called?

A Ronnie.

Q Ronnie?

A Yes.

Q Miss Jones, after you got -- question withdrawn.

After this car arrived with the man who you just identified driving the car, what took place then?

A After that, we went ahead and went to Ansonia.

Q Did you get in the car?

A Yes.

Q After you got in the car, where did you go?

A To Ansonia.

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Q What did you do at Ansonia?

A Giant went up a friend of his house, William.

Q And after Giant went up to a friend of his house, what took place then?

A Then, after that, he came back, because he wasn't home, so we left and went back to New Haven.

Q Was the person who you have identified still driving this car?

A Yes.

Q When you got back to New Haven, where did you go when you got back to New Haven?

A After we got back there, me and Giant got out on the corner of Congress Avenue and we went to Pat's house.

Q When you got to Pat's house, what did you do there?

A We told Beattie about his car and Giant gave him the keys.

Q After that took place, what did you do then?

A Then me and Giant went back over to Pat's house.

Q Went back to -- I thought you said you were at Pat's house?

A We went back to Bunny's house.

Q Who is Bunny?

A She is a good friend of me and Giant.

Q Do you know her last name?

A. I think her last name was London, I'm not sure.

Q. Where did she live -- question withdrawn.

When you went -- you said you went back to her house?

A. Uh-huh.

Q. Do you know where she lived?

A. Yes, she lived on Howard Avenue.

Q. Do you know the house number?

A. No.

Q. Did you know where Charles was living at that time?

A. He was living down the street.

Q. When you say "down the street", how far away from where Bunny lived was Charles living?

A. I would say about three or four houses, or five.

Q. Miss Jones, when you got to Bunny's house, who was with you?

A. Me and Giant.

Q. What did you do then?

A. After that, I got undressed and I went to bed, and Giant said he was going down the street to his brother's house.

Q. Did you go to sleep then?

A. Yes.

Q. Did you wake up sometime after that?

A. I woke up about something to 11:00.

Q. When you woke up, was Giant there?

A. No.

Q. Miss Jones, what did you do for the rest of that day?

A. I just stayed around the house because Bunny had left and she said she was going downtown, so I watched the kids for her and everything, and fed them.

Q. Sometime after that, did you learn of the bank robbery of the Derby Savings Bank?

A. Yes, I heard about it.

Q. Was this the same bank that you had been telephoning from the front of?

A. Yes.

Q. Miss Jones, after the bank robbery, I believe you stated you had been interviewed by FBI agents?

A. Yes.

Q. And there came a time when you appeared here at the grand jury?

A. Yes.

Q. Did you ever appear at another grand jury in another location?

A. Yes.

Q. Where was that?

A. In Hartford.

Q. In Hartford, did you go into the room and testify

THE COURT: Which Mr. Harris owned that car?

THE WITNESS: Charles.

Q Miss London, last year did you hear of the robbery of the Derby Savings Bank?

A Yes.

Q Do you know on what date that bank was robbed?

A No.

Q Is it fair to say it was about a year ago?

A Yes.

Q The night before the bank was robbed and into the morning on the day that the bank was robbed, did Rene Jones and Earl Harris appear at your residence?

A Yes.

Q Did Rene Jones stay at your house?

A Yes.

Q On the morning that the bank was robbed, did Charles Harris come to your residence?

A Yes.

Q Do you know what time he came to your residence?

A It was early in the morning.

Q Were you in bed when he came to your residence?

A Yes.

Q Did he knock on the door?

A Yes.

50a

Q Did you get up?

A Yes.

Q Did you answer the door?

A Yes.

Q Did you see Charles Harris outside the door?

A Yes.

Q Was Earl Harris in your apartment at this time?

A Yes.

Q Was there anyone accompanying Mr. Harris?

A Somebody was with him.

Q There was somebody with him?

A Yes.

Q This person that was with Charles Harris, can you describe him as to his sex?

A He was a male.

Q A male?

A Yes.

Q Was he a white person or a colored person?

A Black.

Q Can you say how old he was?

A No.

MR. GRAY: May I hear the witness' answer?

THE COURT: Read the answer.

(Answer read.)

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Q Miss London, do you know how old Charles Harris is?

A No, I don't.

Q Did this person who appeared with Charles Harris -- did he appear to be the same age as Charles Harris?

A I don't know, because I didn't see him.

Q This person that appeared at the door with Charles Harris, can you state whether or not he was a dark Black person or a light Black person?

MR. GRAY: Object, if your Honor please. The witness just answered that she didn't see him, and Mr. Maxwell is trying to get her to describe someone she stated she didn't see.

THE COURT: It remains to be seen what she can say. She apparently knew somebody was there. What she saw of him is what remains to be developed.

MR. GRAY: If your Honor please, it seems to me given the witness' response and given a continuation of this type of questioning, we are getting into the area about which your Honor has discussed with counsel several times throughout the trial with respect to leading, and we are now reaching the point, it would seem to me, where, as your Honor stated a few minutes ago, we are talking about an accusatory stage.

A. They went through the door, and I went back to my bedroom.

Q. Do you know what room they went to?

A. The kitchen.

Q. Did there come a time when they left the house?

A. Yes.

Q. By that I mean, did there come a time when Charles Harris left the house?

A. Yes.

Q. When Charles Harris left the house, was he accompanied by anyone?

A. His brother and another man that came.

Q. So that all three of those people left together?

A. Yes.

Q. Miss London, I believe you stated that Mr. Harris and the person who had come to the house with him went into the kitchen?

A. Yes.

Q. At any time while Mr. Harris and the man who had accompanied him were in the kitchen, did you have an opportunity to observe any portion of the face of this individual?

A. No, he was turned to his side. His -- the side of his face was dark in the kitchen. It wasn't dark, but there was no light on it.

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Q Miss London, with reference to the side of his face, did you observe anything?

A No, he just had blemishes.

Q He had blemishes on the side of his face?

A Yes.

Q This person that accompanied Mr. Charles Harris to your residence on the morning that we are talkingabout, was he taller than Mr. Charles Harris or shorter?

A I don't think he was taller.

Q You don't think he was taller?

A No.

Q By that, is it fair to say that he was shorter than Charles Harris?

A Yes.

Q Can you state whether or not the man appeared to be a heavy man or a thin man?

A No, I can't.

Q Miss London, at some timethat morning did you go outside of your apartment?

A No.

Q When Charles Harris appeared at your door, did you have an opportunity to observe whether or not his vehicle was parked on the street outside the house?

A It was -- that night it was parked.

54a

A I went to the kitchen.

Q Did this unknown person who you met outside the door follow you in?

A. Yes, sir.

Q Did you see Earl there?

A. Yes, sir.

Q Did you greet him, did you say hello to him?

A. I asked him -- I said to my brother, if he wanted me to give him a ride to Ansonia, he better hurry up because I wanted to come back to New Haven.

Q Did Earl recognize you?

A. Yes, sir.

Q Did Earl recognize theperson who accompanied you?

A. Yes, sir, he did.

Q Did you hear this person say hello to Earl?

A. Yes, sir.

Q Did he say, "Hello, Giant," or something like that?

A. Yes, sir.

Q Did Earl say anything back to him?

A. I asked him how he was doing.

Q Did he call him by name?

A. No, sir, not to my --

Q Then, after that, yourself, your brother and this unknown third person left Bunny London's house?

55a

A. Yes, sir.

Q. All three of you got into your Buick Electra?

A. Yes, sir.

Q. Where did yougo?

A. I drove to Ansonia.

Q. How did you go to Ansonia?

A. I came the old -- the Derby Avenue way.

Q. Route 34?

A. To me, it's Derby Avenue. I don't know.

Q. Does it go out by the Yale Bowl?

A. Yes, sir.

Q. Out past the reservoir?

A. Yes, sir.

Q. Over the Merritt Parkway?

A. Yes, sir.

Q. As you got over the Merritt Parkway, you pass a farm on your right?

A. Yes, sir.

Q. You continue proceeding on down that highway and you pass the Derby Savings Bank?

A. Yes, sir.

Q. Have you ever been in that branch of that bank?

A. Yes, sir, I have.

Q. As a matter of fact, did your wife have an account

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Q And you were with your vehicle from 6:00 p.m. until the time you got home Sunday night, November 5th?

A To the best of my recollection, yes, sir.

Q Well, now, Mr. Harris, is it the best of your recollection or, "I was with my vehicle"?

A As far as I can recall, I was.

Q You do know that you didn't park it in front of the Derby Savings Bank?

A Yes, sir.

Q And you have never been in the Wawa Food Market?

A No, sir, I have not.

Q How long did you remain in Bunny London's house on the morning of November 6, 1972?

A It couldn't have been no more than five or ten minutes.

Q Is it fair to say that you left the house before 9 o'clock?

A Yes.

Q Then you drove up to Gilbert Robinson's residence?

A Yes, sir.

Q You have known Gilbert Robinson for some period of time, have you not?

A Yes, sir.

Q Do you know his nickname?

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A. Yes, sir.

Q. What is it?

A. Cold Cut. Everybody call him Cold Cut.

Q. On the ride to Ansonia on the morning of November 6, you were driving your vehicle?

A. Yes, sir, I was.

Q. And your brother is in the vehicle?

A. Yes, sir.

Q. Where is your brother sitting in the vehicle?

A. On the far right-hand side.

Q. Where is this unknown third person?

A. He is in the middle.

Q. Were you gentlemen conversing with each other?

A. Me and my brother.

Q. Did you ever hear your brother call this third person by his name?

A. No, sir.

Q. Did you speak to this third person?

A. No, sir, I did not.

Q. Never spoke to him on the way up there?

A. No, sir.

Q. So is it fair to say that prior to getting to Ansonia you never learned the name of this third person?

A. No, sir, I did not.

A. No, I don't know. I know they are Harrises, that's all I know.

Q. Do you know him by any nickname?

A. I don't recall.

Q. Mr. Stanton, in November of 1972, are you familiar with an automobile that Mr. Harris was in possession of or owned?

A. Yes.

Q. Would you describe that car?

A. A brown Buick, Electra, that's all I know.

Q. Is it brown allover?

A. No. It had a black top.

Q. On the morning the bank was robbed, prior to the bank robbery occurring, do you recall being outside your house?

A. Yes, I was standing in front of my gate.

Q. About what time was this?

A. That, I can't tell you exact time, because I just woke up and I just got out of the house, and I was standing there, that's all.

Q. Could you give us your best recollection as to about what time it was?

A. Gee, I don't know.

Q. Was it in the morning?

A. It was in the morning, I guess.

Q. With respect to Government Exhibit 12, Mr. Stanton, you

said you were standing outside your house?

A. Yes.

Q. Can you point on that photograph to the general vicinity on which you were standing or on this photograph, which is Government Exhibit 14, just show the ladies and gentlemen of the jury where you were standing?

A. Right here, by the gate, where my thumb is.

Q. While you were standing there, did you observe Gilbert Robinson's car parked on the street?

A. Yes, his car was parked on the street.

Q. Could you indicate on one of those photographs where his car was parked?

A. You see where that car is right there, that's about the same position his car was parked. One was parked, that's where the GTO was parked. The Buick was parked by my house, the way it's parked down in front of my house here.

Q. Just answer where the GTO was parked.

Mr. Stanton, while you were out in front of your house, do you recall seeing the Mr. Harris you picked out in that area?

MR. CLIFFORD: Objection.

THE COURT: Sustained.

Q. Mr. Stanton, while you were standing outside of your house on that morning, did you see Mr. Harris?

A. Yes.

Q. Would you describe to the ladies and gentlemen of the jury what you saw and who you saw and what you saw those individuals do? Do you think you can do that? Take your time and do it slowly.

A. I was standing there and they drove up and asked me where Cold Cut lives, that was all, and I pointed the house to them, and that's all. I pointed where Cold Cut lives at, that's Robinson.

Q. You said where Cold Cut lives. Who is Cold Cut?

A. Gilbert Robinson.

Q. Is that a nickname?

A. That's his nickname.

Q. You indicated somebody asked you something. Do you know who asked you the question?

A. Yes.

Q. Who did?

A. Earl asked me whereC old Cut lives.

Q. By referring to Earl, do you mean --

A. The one who was driving the Buick.

Q. Do you see the driver of the Buick in court?

A. Yes.

Q. Who was that?

A. The same man that I referred to a little while ago.

Q Are you generally a friendly person?

A If I know somebody, yes.

Q Is it fair to say that your usual custom when you meet somebody you don't know to say, "I'm Charles Harris"?

A No, sir.

Q You don't identify yourself to people?

A When I meet them.

Q And you never identified yourself to this third person on the trip up to Ansonia?

A No, sir.

Q And he never told you his name?

A No, sir. I said, "I'm Giant's brother," that's all. I didn't give my name.

Q If he would refer to you, he would have referred to you as Giant's brother?

A If he would have, yes.

Q When you got to the area where Gilbert Robinson lives, you stated you made an inquiry of Art Stanton, correct?

A Yes, sir.

Q And then after that Giant got out of the vehicle, correct?

A Yes, sir.

Q It's your testimony you stayed in the vehicle?

A Yes, sir.

62a

A. Yes.

Q. At some point after you went to sleep, did you awaken?

A. The next morning the landlord called me up, called upstairs, and told me that somebody downstairs to see me.

Q. So somebody awakened you?

A. Yes.

Q. What did you do after you were awakened?

A. I told them to send them up.

Q. After this, what occurred next, did somebody come upstairs?

A. Yes.

Q. Who was that?

A. Earl.

Q. When you say "Earl", who are you referring to?

A. Earl.

Q. What's his full given name?

A. Earl Harris.

Q. Did Earl Harris come into your apartment?

A. Yes.

Q. Did you have a conversation with him?

A. Yes.

Q. After Earl came into your apartment, were you joined by anyone else in the apartment?

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A Yes.

Q Who came into the apartment then?

A Charles Harris.

MR. CLIFFORD: May I have that answer reread?

(Answer read.)

Q By Charles Harris do you mean the gentleman you previously identified?

A Yes.

Q That man seated in the front row there with the brown turtleneck sweater that came into your house?

A Yes.

Q Do you know what date this was?

A That was on the 6th.

Q Mr. Robinson, do you know what time of the day this was when Mr. Harris came into your apartment?

A It was somewhere around 9 o'clock.

Q Were you still in bed, or were you in and out of bed?

A Yes, I was still in bed.

Q Now, when Mr. Harris -- when Earl Harris and Charles Harris were in your apartment, do you know where the keys to your automobile were, the GTO?

A Yes.

Q Where were they?

A They were on the dresser.

Q Did you engage in a conversation with Charles Harris?

A Yes.

Q Did he make a request of you?

A Yes.

Q What was the request he made of you?

A Well, he told me if I would lend them the car, it would be worth my while.

Q Did you make a reply to that, did you say anything back to that request?

A I first told him, no, and then after I told him, I gave him the key and told him the key was on the dresser.

Q Was there any further conversation regarding the automobile?

A No.

Q Did you have any further conversation regarding your making a report concerning the automobile?

A Yes. They said if they weren't back in the half hour, to go down to the police department and report it stolen.

Q Are you referring to reporting your vehicle stolen?

A Yes.

Q Now, subsequent to this conversation, did you observe anyone take your keys?

A Yes. I gave it to them. I got up and gave it to them.

Q As what?

A FBI agent.

Q Did he have a conversation with you concerning your Pontiac GTO automobile?

A Yes.

Q Did you give him the story concerning the Pontiac GTO automobile?

A Yes.

Q Was it an entirely truthful story?

A No.

Q Did you withhold information?

A Yes.

Q What information did you withhold?

A Well, I didn't tell him I gave him the key for the car.

Q At this point in time, were you aware of the location where your car could be found?

A Yes.

Q Had somebody advised you that location?

A Yes, they said the car would be on the back road to New Haven.

Q Who told you that?

A Charles.

Q Charles Harris told you where you could find your

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vehicle?

A. Yes.

Q. Was there any other identifying information concerning the location where the car could be found?

THE COURT: Are you going to establish where this conversation occurred?

MR. MAXWELL: Yes.

Q. The information which you received from Charles Harris concerning the location of the car, where did that conversation take place and when did it take place?

A. Upstairs.

Q. Is this during the transaction involving the keys?

A. Yes.

Q. At that time, did you learn any other identifying points of location as to the car?

A. No.

Q. Just on a back road on the way to New Haven?

A. Yes.

Q. Do you recall what he specifically said to you?

A. He said the car would be on the back -- on the back road going into New Haven. That's the only thing he said.

Q. Mr. Robinson, after you met Agent Townsend at the Ansonia Police Department, did there come a time when you left the Ansonia Police Department? Did you leave the police

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A Two.

Q What kind of automobiles werethey?

A A '67 GTO, the other was a '66 Electra Buick, 225 Buick.

Q Mr. Robinson, with regard to the '67 GTO, whatcolor is that vehicle -- was that vehicle?

A Black.

Q Do you still own that vehicle?

A No.

Q Sometime before you came here today, did you sell it, or dispose of it in some way?

A I sold it, I don't know --

THE COURT: You sold it when?

A I don't know exactly when. Back in February or March, something like that.

Q Mr. Robinson, this GTO automobile, do you recall the registration number of the automobile?

A It was HH4468, I think.

MR. MAXWELL: At this time, the government would offer Government Exhibit 15 for Identification, a certified copy of the registration certificate on file with the Department of Motor Vehicles, concerning a 1967 Pontiac GTO automobile owned by Mr. Robinson. I believe there is no objection from counsel for

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A. After what?

Q. After you pointed out where Mr. Robinson lives?

A. Well, one of them got out of the car and went into the house and came out and jumped in the GTO and drove off.

Q. You said one of them got out of the car. Who did you observe get out of the car?

A. Theone with the one arm.

Q. The individual who previously stood up here who you called Earl --

A. His brother.

Q. Did he remain in the car?

A. Yes, he stayed in the car.

Q. Was he the operator of the tan Buick?

A. Yes.

Q. Do you recall how long the one with the one arm remained inside Mr. Robinson's house?

A. Well, it wasn't long.

Q. Did you observe him when he came downstairs?

A. I didn't pay much of any attention. I know -- downstairs -- I wasn't downstairs.

Q. When he came out in the street.

A. Came out in the street.

Q. You said you saw him get in the vehicle?

A. Got in the vehicle and drove off.

Q Did this unnamed third person stay in the vehicle?

A Yes, sir, he did.

Q Did he continue to sit right next to you?

A No, sir. He moved over to the right -- right-hand side.

Q Did you speak to him at all while your brother was upstairs at Gilbert Robinson's?

A No, sir.

Q You didn't have any conversation with him?

A No, sir.

Q So he just sat there?

A Yes, sir. We didn't know each other.

Q He just sat there?

A Yes, sir.

Q ABout how old was this person?

A In his early 20's.

Q This is a person who had been in your company now from sometime before 9:00 a.m. in the morning, correct?

A Yes, sir.

Q At Bunny London's house, the drive up to Gilbert Robinson's house is about 20 or 25 minutes drive?

A 15, 20 minutes.

Q He had been in your company for approximately a half hour?

Q Did you observe anything with reference to the operator of the Buick, did you observe the Buick?

A He turned around the center of the road there, turned around in the road.

Q What did it do?

A Went right down the street.

Q Was it -- how soon did it turn around from the GTO --

A How soon?

Q Yes.

A His motor was already running.

Q Is it fair to say that they left together?

A Yes --

MR. CLIFFORD: Object to that.

THE COURT: Sustained.

Q Mr. Stanton, to go back, you saw the one with one arm come down and get in the GTO, is that correct?

A Yes -- come down, just come out of the house.

Q Come out of the house and get in the GTO?

A Yes.

Q Did you see him get in the GTO?

A He got in and started it up and drove off.

Q While this was taking place, did you observe anything with regard to the other vehicle?

A What do you mean?

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Q Did you see the other vehicle move in any way?

A He followed him right down.

Q Mr. Stanton --

A Wait a minute. There is a mixup here. Because --

MR. GRAY: No question --

THE COURT: The witness is entitled to deal with his own answer.

A The GTO went first, and they followed him.

Q Mr. Stanton, I believe you irdicated that when the vehicle, the Buick, when you saw the Buick, it had three people in it?

A It had three people in it.

Q Two of them you have named, is that correct?

A Yes.

Q With respect to the third person in the vehicle, can you describe the third person in the vehicle?

A In a car with a man sitting in the middle, it's kind of tough to describe him. If you are not paying him no mind. It's just a glimpse, that's all.

Q Was he a male?

A Yes, he was a male.

Q Was he colored male?

A Yes, that's right.

Q Could you observe anything about the tone of his

A. To the East Derby office.

Q. How much did the shipment of currency consist of, what was the amount of shipment?

A. Over $40,000.

Q. Was this placed in the bank?

A. Yes.

Q. Were you in the area of the bank which you transact banking business when the robbery occurred?

A. I myself was inthe bathroom.

Q. Let's start at that point. I want you to tell us exactly what you recall from that point on. Did you exit the bathroom at some time?

A. I opened the bathroom door to come out, and there was a man standing there pointing a gun at me as I tried to come out the door.

Q. Did you notice the gun?

A. Oh, yes.

Q. Did you take a look at the man that was holding the gun?

A. Yes, I did.

Q. What did you observe of the gun, did you see what kind of gun it was?

A. It appeared to be a small automatic, it was black in color.

Q Did you notice anything as to this man's race, his sex, what did you notice?

A Yes, he was a Negro race, male. Do you want me to give a description?

Q Yes.

A Approximately 25 years of age, five foot, seven to eight, slender to medium build.

Q Did you notice anything about his hair?

A His hair was black.

Q What about the style?

A The style was -- he had a hat on, I couldn't tell the exact style of hair. He had sideburns.

Q Could you describe the sideburns?

A They came down below his ears.

Q Was he wearing glasses?

A Metal rim glasses, light in color. Dark sunglasses.

Q Did you notice the color of the metal?

A Light metal. I don't know what color it was.

MR. GRAY: Did you say light --

THE WITNESS: Light color.

Q Did you observe the color of the skin, the tone, whether it was dark or whether it was the opposite of dark?

A Well, it was light complexion versus dark.

Q Were you able to observe anything about his face?

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A. It appeared to be some pockmarks on the cheeks, both sides.

Q. Did this man say anything to you?

A. Yes, he did.

Q. What did he say to you?

A. He said, "Okay, mother-fucker, get back in there and don't push no buttons."

Q. He did that while he was holding a firearm on you?

A. That's right.

Q. What did you do after he said that to you?

A. I got right back in.

Q. Showing you Government Exhibit 5, do you recognize what's shown in that photograph?

A. Yes.

Q. What is shown in that photograph?

A. The rear part of our office, the bathroom being in the center of the picture.

Q. Is that the bathroom that you were exiting?

A. That's right.

Q. As you went back into that bathroom, where did that -- the individual that was holding the gun on you, where did he stay, if he did stay in thatarea?

A. He was on the right side of that picture by the open door.

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A. I saw two people behind the tellers' counter, with their backs towards me, and the one nearest to me was about six foot tall, he had one a gray fedora type hat, and Afro haircut, and a man in front of him I could not distinguish anything about him. He was hidden partially.

Q. Did at any point in time as the tellers were coming towards you, did those individuals come closer to you?

A. No.

Q. Were you able to discern anything as to their race?

A. The tallest man, the one nearest to me with his back towards me was of the Negro race.

Q. Were you able to observe anything of the other individual?

A. No.

Q. Mr. Buckley, with regard to the third individual, this is the individual you previously described as being a Negro male, slender build, mid-20's and his facial complexion, skin tone and some marks on his face, I believe you said, was that individual standing at the door at this point in time?

A. Yes.

Q. At this time in the courtroom here today, I would ask you to look about the courtroom, to look at everyone in this courtroom, and after you have done that, just state whether, yes or no, whether or not you see the individual in this courtroom

who was standing outside the bathroom door while you were inside the bathroom and the individual who placed a gun on you, can you do that?

A. Yes.

Q Do you see that individual in the courtroom here today?

A Yes, I do.

Q Would you go point that individual out?

A This man wearing the blue suit.

MR. MAXWELL: May the record indicate that Mr. Buckley's words were, "This man wearing the blue suit," and he's seated in a row which contains four Black male gentlemen?

You may resume the witness stand.

May the record also indicate that Mr. Buckley has selected Mr. Ronald Catron, the defendant Ronald Catron, as that individual who was holding the gun on him in the bank?

THE COURT: Yes.

Q Mr. Buckley, at some point in time did all of the tellers reach the bathroom?

A Yes.

Q At some point in time, did the door close?

A Yes.

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A He had a hat on, sort of a Kelly type hat, with a brim down, and his hair was sticking out from under it, and sideburns.

Q Were you able to observe anything -- could you make -- question withdrawn.

Could you say how old he was from that view that you had?

A I would say he was in his 20's.

Q Can you describe his face in any way?

A The only thing I remember was kind of long, thin --

Q I didn't hear that.

A Kind of long.

Q Mrs. Davies, did there come a time during the robbery when you left the area when this man was holding a gun on you?

A Yes. They made us go out and go over into the lavatory.

Q As you went into the lavatory, were you able to observe anything about the other robbers?

A No.

Q Did you get a look at the third robber, the third one in the bank?

A I saw him, but nothing was too definite on him.

Q Did you notice whether or not he was wearing glasses?

A I think he had wire rim glasses, gold rim.

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pick out on that exhibit where your place -- is the place in which you work in the bank, the area which you work, is that shown?

A. Yes. The first counter here. The front window, the first one as they come in the bank.

Q. Is there a person occupying the booth which you normally occupy there?

A. Yes.

Q. Would you point to which person that is?

A. This first girl here.

Q. Mrs. Lonergan, do you know what time of the day on which the bank robbery occurred?

A. 11 o'clock, one minute after.

Q. Immediately preceding the bank robbery, when the bank was entered by three Black males, did you observe anything out in the front windows of the bank?

A. I saw a car back up, but that's not unusual.

Q. I just asked if you observed anything.

A. A car backedup.

Q. Did you notice anything as to the color of this car?

A. It was either blue or black. Dark blue or black, I'm not sure which.

Q. Did you notice anything with regard to what helped you identify the make of the vehicle?

A No. I only saw the side of it because the rest of the window blocked it.

Q Did you happen to notice how much prior to the robbery occurring this car appeared outside of the bank?

A Maybe a few minutes, maybe five minutes.

Q Did you have a chance to observe any occupants in this vehicle?

A No, I didn't.

Q Did you see anyone eitherenter the vehicle or get out of the vehicle?

A No.

Q Now, at the conclusion of the robbery, when everthing was over, did you happen to notice whether this car was in the same position as it had been at the start of the robbery, prior to the robbery taking place?

A There was no car up at my window.

Q So this blue or black car was gone?

A Yes. There was no car in front of the--

Q Pointing to Government Exhibit 1, could you show the ladies and gentlemen on that exhibit the approximate location of the parked car?

A Well, it was parked here so that I could only see like the back of a car, a portion of it, I'm at this window and lots of cars park there, but I can't see past here what the

ARTHUR FREDERICKS, called as a witness, having first been duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK: State your name.

THE WITNESS: Arthur Fredericks. Fifth Street, Derby, Connecticut.

DIRECT EXAMINATION

BY MR. MAXWELL:

Q Are you employed?

A Yes.

Q By whom are you employed?

A City of Derby Police Department.

Q Mr. Fredericks, were you so employedin November of 1972?

A Yes, sir.

Q In November of 1972, to what division of the Derby Police Department were you assigned?

A I'm assigned to the Naugatuck Valley crime squad out of Waterbury.

Q Is that who you are assigned to now, or were you assigned that time?

A I'm still assigned to that.

Q I'm talking about November of 1972.

A November, I was.

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Q Officer Fredericks, on November 6, 1972, were you working in your capacity as a police officer?

A Yes, sir, I was in uniform.

Q What were you doing in uniform?

A I was working on a private job directing traffic on Route 34 in Derby.

Q Would it be fair to say you were moonlighting while as a policeman, this was an extra job in addition to your duties with the regional crime squad?

A Yes, sir.

Q Officer Fredericks, would you advise the ladies and gentlemen of the jury where the location you described you were working at is with reference to the Derby Savings Bank?

A It's about approximately 300 yards east of the bank on Route 34.

Q If we pick the center of the Town of Derby, and then this bank, and then New Haven, where would the bank in your position be, on which side of the bank would be --

A The bank would be between myself and the City of Derby.

Q Where would the bank be with reference to yourself and the City of New Haven?

A I would be in between the City of New Haven and the bank.

Q What hours -- what were the hours that you were working on that occasion?

A 8:00 a.m. to 4:00 p.m.

Q What were you specifically doing at that --

A Another officer and myself were about to stop the traffic on Route 34 eastbound to put the traffic device in the road.

Q You said eastbound, which way does the eastbound road lead to?

A Towards New Haven.

Q Officer Fredericks, about what time was it that you were going to stop the traffic?

A About 11:00, a little after 11:00.

Q Now, at this point in time, would you describe to the ladies and gentlemen of the jury what you observed?

A I was standing -- it would be on the right shoulder of the road, and I had my back to the traffic in the eastbound lane. I observed the dark Pontiac drive by with what appeared to be three males, Black males, in the car. I'm in the habit of taking down marker numbers because I work with the narcotics squad, and I thought to myself there are a few people going down the city to cop, which means to buy heroin, which -- so I took down the marker number, which was HH4486 or 68. I wasn't sure of the 68 or 86.

F3a

Q You just said that you took down the marker number. By that didyou write it down on anything?

A I usually write it down like if I have a pieceof paper, I write it down on the palm of my hand, I have a listing there.

THE COURT: Let me pointout to the jury, perhaps it's apparent, in any event, but the reference to narcotics is only to be considered as to why this witness might be in the habit of noting license plates. There is no evidence in this case, certainly at this point, and there may never be, that involves these defendants with narcotics.

MR. GRAY: Thank you, your Honor.

Q Officer Fredericks, what I am particularly interested in, did you make a written notation on this occasion of the license number that you observed?

A I wrote it down on a little pad later on. Not at that moment.

Q But at the precise moment, you didn't write it down?

A No, I didn't.

Q With regard tothe occupants of this vehicle that you observed, you say that you saw three males in the car?

A What appeared to be three males.

Q What about race?

A. They were Black.

Q. Do you recall the position of the individuals in the car?

A. Well, they went by fast, but there was two people sitting in the front, one person sitting in the back and the middle.

Q. Did you observe anything about any dress on any of the individuals in the car?

A. They appeared to me the individual sitting in the back seat had on a yellow hat, and the passenger side, the person sitting in the passenger -- had some sort of a hat. I wasn't sure.

Q. With regard to the hat, can you say anything with regard to the yellow hat, can you describe anything as to its style?

A. It looked like a beret or something like that. A little yellow beret.

Q. Now, subsequent to this vehicle passing, did something else occur?

A. Just as the vehicle went by?

Q. After the vehicle went by.

A. A few minutes after the vehicle went by, Officer Ewing, who is a Derby police officer, came up to my position and told me that the bank was robbed down the street, and I got

into the car with him and went down to the bank.

Q When you got to the bank, did you have a conversation with any of the employees of the bank?

A Yes. One of the tellers, a woman teller, and I asked her what the car looked like, and she said she was excited. She said it was a dark car, and I put two and two together, and I said, the dark Pontiac --

MR. GRAY: That's obviously objectionable.

THE COURT: Sustained. The jury will disregard the witness' comment.

Q Officer Fredericks, did you turn your observations over to any other members of the Derby Police Department?

A Yes. I told Officer Orts --

Q I want yes or no to that question.

A Yes.

Q Who was the indivdiaul you gave this information to?

A Officer Orts and Chief Slezak.

Q At that point, did you remain at the bank or go back to your location, where you had been prior --

A I remained at the bank for a few minutes, and then I went back.

Q To traffic duty?

A To traffic duty.

Q Did you yourself personally ever check out the license

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ROQUE ORTS, called as a witness, having first been duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK: State your name and address.

THE WITNESS: Officer Roque Orts. I live 209 Hawkins Street, Derby.

DIRECT EXAMINATION

BY MR. MAXWELL:

Q. Are you employed?

A. Yes, I am.

Q. By whom?

A. City of Derby Police Department.

Q. Officer Orts, on November 6, 1972, were you employed by the City of Derby Police Department?

A. Yes, I was.

Q. On November 6, 1972, were you on duty?

A. Yes, I was.

Q. What was your tour of duty?

A. 8:00 to 4:00, patrolling the west side vehicle.

Q. The west side vehicle?

A. Right.

Q. When you refer to the west side vehicle, does that refer to a particular area of the community?

A. Yes, it does.

Q What did you do when you left the area?

A Searched for the car -- searched the area on the east side, the description of the car.

Q Would you describe the activity that you performed as to where you went and what you did?

A I left the bank, I put on my lights, my roof lights, my bumper lights, and proceeded westbound -- eastbound, rather, which would be toward New Haven, and I made a left turn at the second intersection, which would be New Haven Avenue and Sodom Lane, and made that turn down the road on the right-hand side approximately 100 yards past Hines Farm was a Pontiac, a black car matching the description of the one that was seen leaving the bank.

Q I show you Exhibit 18, 19 and 20 for Identification. I ask you to look at these exhibits and see if you recognize what's depicted therein?

A This is the car that I found.

Q The answer to the question is -- do you recognize what is in that photograph?

A Yes, I do.

Q Does that fairly and accurately represent the scene as you saw it on November 6, 1972, as pictured there?

A Yes, it is.

MR. GRAY: I have no objection.

MR. CLIFFORD: No objection.

THE COURT: Full exhibits.

(Government Exhibits 18, 19 and 20 were received in evidence.)

Q Officer Orts, I would ask you to look at Government Exhibit 18, 19 and 20, and tell the ladies and gentlemen -- hold them up to the ladies and gentlemen of the jury and show them what is depicted in those photographs?

A This first photo is the car.

Q Which exhibit is that, sir?

A Number 20. This is the car that was found parked on Sodom Lane. That's myself in the photograph near the car.

Q Officer Orts, what's this area here?

A This area is Sodom Lane and Route 34, which is New Haven Avenue, the traffic light, this is Hines Farm, which is located on the corner of Sodom Lane.

Q Could you hold it down for these jurors?

A This traffic intersection is Route 34 and this is Sodom Lane. This area in the corner is Hines Farm, and this is a vehicle I had found parkedon Sodom Lane.

MR. GRAY: Are you saying S-o-d-o-m?

A That's correct. This is number 18, Exhibit 18, this is the car exactly as it was found, again, this area in the back here is where Hines Farm would be located; the car was found

and secured so no one could get to it until I notified my superiors that the car had been found.

Once again, this is the picture of the car from the rear in the exact same position that it had been found, a clump of bushes here, and this road is Sodom Lane.

Q Officer Orts, are you familiar with the driveway to Hines Farm?

A Yes, I am.

Q Where would it be with reference to where the vehicle -- that vehicle depicted in Government Exhigits 18, 19 and 20 was found?

A Well, where the traffic lights are, the driveway is on New Haven Avenue side coming eastbound into Hines Farm, which would be just before you hit the traffic lights.

Q Is there a driveway closer to where the rear of the vehicle --

A There is a second driveway which can be seen, in on the Sodom Lane, it's the Sodom Lane entrance onto Hines Farm.

Q Officer Orts, can you state how far the east branch of the Derby Savings Bank is from the location where you found this vehicle?

A Probably a little over half a mile.

Q Do you recall at what time you found this vehicle?

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AFTERNOON SESSION

P A U L M U D R Y, called as a witness, having first been duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK: State your name and address.

THE WITNESS: Paul Mudry; 26 John Street, Derby, Connecticut.

DIRECT EXAMINATION

BY MR. MAXWELL:

Q Are you employed?

A I work in the Anaconda American Brass, Ansonia.

Q What shift do you work?

A Second shift.

Q In November of 1972, did you work the second shift?

A Yes.

Q What time does the second shift commence and end?

A 3:30.

Q Is that in the afternoon?

A 3:30 in the afternoon to 11:30.

Q At night?

A Yes, sir.

Q Do you recall the day of November 6, 1972?

A Yes, sir.

Q On the morning of November 6, 1972, were you at your

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Q Did you do that on this occasion?

A Yes, sir.

Q Do you have any idea as to what time it was when you passed?

A 10:55 in the morning.

Q How are you able to say that was what the time was?

A It's a habit of mine to look at that clock on the way home regardless of what time of day or morning it is.

Q Mr. Mudry, when you say "that clock" --

A I'm talking about the clock in front of the bank. It's situated right in front of the bank.

Q One of those electrical digital clocks?

A Yes, way up in the air.

Q As you were passing that location, you looked at the time?

A That's right.

Q You say it was approximately -- I show you Government Exhibit 23 for Identification, and I would ask you that you look at that.

A This is the clock.

Q Just look at it. Do you recognize what's in that photograph? Do you recognize what's shown in it?

A The only thing I can recognize is the bank. I mean, the Derby Savings Bank sign and time. I did not look at here at

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gentlemen of the jury where the car you observed was parked, just turn so the photograph is facing the jury?

A. Parked just about where it is now. The front of the car was parking towards the Sodom Lane, this is Sodom Lane. Sodom Lane goes from Route 34 this way, takes a complete circle and comes out half a mile further on Route 34. It makes a complete circle and comes out on 34, and another half mile down the road, nearer to Derby.

Q. Would you, Mr. Mudry, would you put your finger right where you saw the vehicle parked on that morning?

A. Right there in the driveway. That's where I noticed it.

Q. Showing you Exhibit 21, does this give a better view of the driveway you're talking about?

A. No. This is the second driveway. Hines has two driveways, one goes to his barn and one goes to the back of his home. Where the car is parked it goes to the back of his home, this one goes into his big barn where the big trailer trucks come in.

Q. The car was located up right here?

A. In his driveway, into the home.

Q. Mr. Mudry, could you describe the vehicle that you saw at that location?

A. Not too much, sir. All I know it was -- I would say a

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light tan car and I think -- I am quite sure it was a Buick model.

Q What kind of an automobile do you drive?

A Skylark, sir.

Q Was the Buick that you observed a Skylark?

A No.

Q This was a car larger than a Skylark?

A Yes.

Q Was it Electra or Sabre?

A I couldn't be definite, but it wasn't a Skylark. I would say more the Electra type.

Q Mr. Mudry, with regard to the color of the vehicle, what do you recall about the color of this vehicle?

A I would say a tan, light tan.

Q Was it tan all over, or was there any part --

MR. CLIFFORD: Objection. That's a leading question. He already described the color of the car as light tan.

THE COURT: I think he is entitled to ask that question.

Q Mr. Mudry, did the vehicle -- was the vehicle entirely a tan color?

A The roof was dark, not the same color.

Q The roof was a darker color?

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A. Yes. The car was light tan.

Q. Was there anyone around this vehicle when you passed it?

A. Nobody, sir.

Q. After you passed this vehicle, where did you go?

A. Right home.

Q. Did you turn on the radio when you got home?

A. My wife had the radio on at home.

Q. Do you know what time you got home?

A. About two -- two minutes to 11:00, 11 o'clock at the latest.

Q. After you got home, did you learn anything with regard to the bank robbery?

A. We heard it on the news.

MR. MAXWELL: No further questions of this witness.

CROSS EXAMINATION

BY MR. CLIFFORD:

Q. Good afternoon, Mr. Mudry. Mr. Mudry, you have indicated -- question withdrawn.

You were interviewed by the FBI, were you not, on November 8, 1972?

A. You say November 8. I cannot say positively. The FBI did interview me, but I couldn't give the date. I

STANLEY ZALINSKY, called as a witness, having first been duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK: State your name and address?

THE WITNESS: Stanley J. Zalinsky, Junior. 96 Ford Street.

DIRECT EXAMINATION

BY MR. MAXWELL:

Q Mr. Zalinsky, are you employed?

A Yes, sir.

Q By whom are you employed?

A Ansonia Police Department.

Q What capacity?

A As a patrolman.

Q Mr. Zalinsky, on November 6, 1972, were you so employed?

A Yes, I was.

Q What tour of duty were you working?

A I was working the first watch, 7:00 a.m. and 3:00 p.m. shift.

Q Officer Zalinsky, during your tour of duty did you learn there had been a robbery in Derby?

A Yes.

Q Subsequent to that, were you requested to deliver

A Yes.

Q Who was that?

A Gilbert Robinson.

Q Officer Zalinsky, about what time did this occur that you went up to that location?

A I think it was somewhere around 2 o'clock, 1:30, 2 o'clock.

Q Officer Zalinsky, did you deliver this envelope to Mr. Townsend?

A Yes, I did.

Q After you delivered the envelope to Mr. Townsend, what did you do?

A That's where I delivered the envelope to Mr. Townsend, I was coming out of the parking lot and I stopped the car and I noticed a tan color Buick. It was parked there, and I saw two Black Negros get out of it, and go up to a house and knock on a door.

Q The house, the door that these individuals went up to, do you know who lives in that house?

A Yes, I do.

Q Who lives in that house?

A Gilbert Robinson.

Q Did you observe these individuals from that location?

A Yes, sir.

Q Approximately what distance was it?

A Less than 100 feet.

Q Did you keep them under observation the entire time they were at the door?

A Yes, until they went back to the car.

Q What did you observe them do then?

A You mean after they left the house -- they went back to their car to get in the car and they proceeded to go northbound on North Main, and then they made a left-hand turn at the intersection with Ford Street and went westbound there, and I was in a police car and went behind them.

Q Officer Zalinsky, with regard to the vehicle you said wasa Buick, I believe--

A Yes, sir.

Q -- do you know what model the Buick was?

A No.

Q Could you say which side it was parked on the street, what side of the street was it parked on?

A It was parked in front of 155 North Main. It was in a southbound lane facing northbound west curb.

Q Showing you Government Exhibit 14, could you indicate on that exhibit the location where that vehicle was parked and show it to the ladies and gentlemen of the jury?

A This here would be the southbound lane here and the

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car -- see, it's the southbound lane here and the car was parked facing northbound, which would be sitting in the front seat which would be heading up this way here, and this would be the west curb over here.

Q Officer Zalinsky, you said you saw the vehicle travel north on North Main Street?

A Right.

Q When it came to the intersection, what did it do?

A Made a left-hand turn heading on Ford Street.

Q What did you do then?

A I proceeded out of the parking lot and followed the car and then --

Q At that time, when you followed the car, were you able to observe the license plate of the vehicle?

A Yes, I was.

Q And did you take down the license plate of the vehicle?

A Yes, I did.

Q Do you recall what the license plate was?

A LH6795.

Q Did you continue to follow this vehicle?

A Yes, I did.

Q What did you observe it to do?

A This vehicle then made a left-hand turn onto Liberty

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Street, went down the street and pulled up to where a tavern was, and there was a lady standing there, and the driver of this vehicle was saying something to the lady.

Q What did you do?

A I just continued on my way going down the street.

Q Did you pass the vehicle?

A Yes, I did.

Q Did you look at the occupants of the vehicle?

A Yes, I did.

Q Were they the same individuals who you had seen on the porch by Gilbert Robinson's residence?

A Yes.

Q Can you describe them in any way?

A The subject driver of the car was a Black male, around six feet tall, six feet, six, one- something like that, and then the second one, the one that was sitting on the right front, he was short. He was probably about five-six, five-seven. He had long hair and was wearing a hat.

Q Do you know anything with regard to the color of the hat?

A I believe it was red.

Q Officer Zalinsky, the license number that you obtained from this vehicle, did you do anything with that?

A I immediately -- I placed it over the radio and I

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asked the dispatcher to give me a check with MVD on it.

Q. What is MVD?

A. Department of Motor Vehicles.

Q. What did you mean by a check?

A. I gave the registration and I asked him to find out who the owner was.

Q. Subsequent to doing that, did you receive a report back as to who the owner was?

A. Right. I found out the owner of this vehicle was a Charles Harris, 119 Downing Street, New Haven.

MR. MAXWELL: I have nothing further.

MR. GRAY: On behalf of my client, we have no questions.

MR. CLIFFORD: No questions.

(Witness excused.)

(Conference at the bench.)

MR. CLIFFORD: I have had a chance to check out what previously came to my attention, and I was misstaken when I reported something that would come to my attention. It's not the subject.

THE COURT: Then, you anticipate a brief hearing?

MR. CLIFFORD: Yes. But it would probably still take from 2:00 to 3:30, I would guess. These things

in that photograph?

A. It's coming down the corner towards --

Q. Show the ladies and gentlemen of the jury, if you will.

A. Come out of the corner up here --

Q. I don't know whether all the ladies and gentlemen of the jury can see that.

A. I drove down this way. Where this gate is, parked over here. I was driving, parked in front of my house.

Q. Mr. Stanton, as you came through the intersection, did you observe anyone or anything in the parking lot there at the intersection?

A. Yes. There was Cold Cut -- was sitting over in the parking lot with the federal FBI man.

Q. What did you see yourself, didyou see people or cars or what? They were parked near the telephone booth right there.

Q. You observed this as you went through the intersection?

A. Yes, turned the corner. You turn the corner right by it.

Q. Where did you go after you turned the intersection?

A. Went down to my house.

Q. When you got to your house, did you exit your vehicle?

A. I parked it. When I was coming down to my house, that's when I seen they were on the porch looking for Cold Cut.

Q You said, "When I was coming down, that's when I seen it." I want you to tell me who you saw and what you saw, whomever you saw and what they were doing?

A Well, as I was coming down here, knocking on thedoor, Miss Howards' house, and I told them Cold Cut was over on the lot.

Q You said --

A I seen two men.

Q Did you recognize one of those men, did you know him?

A I recognized one of them.

Q Who was that?

A The tall one.

Q By the tall one, do you see him in the courtroom here?

A Yes.

Q Who is he?

A Harris.

Q Is that the gentleman you previously identified?

A That's right.

Q Now, didyou observe any automobiles on the street?

A You mean the car they came in, the Buick?

Q Yes.

A That was there.

Q Where was that parked?

A I don't know. I didn't recall whether it was parked on

my side or parked on the other side. I know it was parked someplace there. I think it was parked on Miss Howard's side in front of the house.

Q Now, Miss Howard's house --

A That's where Cold Cut stays at.

Q Mr. Stanton, you said two of them were on the porch?

A Two men on the porch.

Q One of them was Harris?

A One was Harris and the other one had a red hat on, that's all I know.

Q This individual that had the red hat on, had you ever seen that individual before?

A No, I had never seen him before.

Q Listen to my question.

MR. GRAY: He answered it, if your Honor please.

THE COURT: Ask the next question.

Q Mr. Stanton, the individual that you saw standing on the porch in the afternoon, was this the same person who you saw in the vehicle in the morning?

A Yes, the same person.

Q So when you said you never saw him before, what did you mean?

A I mean I never saw him before prior to that day.

Q On the day that the bank was robbed, you saw him on two

A. Yes. They came over my house and asked me where Art Stanley lives at. I said, "Who gave you my name?" He wouldn't tell me. So I says, "My name ain't Art Stanley," so he went away.

Q. After that incident which you have just recounted, do you recall the FBI coming back to you again?

A. Yes, they came back, about two weeks later. Two weeks or a week later.

Q. On this occasion, when they came back, did they interview you concerning the events which you have just related to the ladies and gentlemen of the jury?

A. That's right. They told me I had to go before a grand jury.

Q. Mr. Stanton, during this interview were you shown photographs of various individuals by the FBI agents who participated?

A. Yes.

Q. How were the photographs shown to you, were they shown to you all at once, were they shown in groups?

A. We had a big bundle of them like that.

Q. After the photographs were shown to you, did you make a selection of any photographs?

A. Yes.

Q. Do you recall whose photographs you selected?

Honor please.

THE COURT: Why?

MR. GRAY: Because anything he saidoutside the presence of the defendants would be hearsay, and we are talking about something that'snotin evidence at the time.

THE COURT: No, he is entitled to ask him about his prior selection and he is here now for cross examination about that.

MR. MAXWELL: May the question be read back?

(Question read.)

Q. Can you answer that question, Mr. Stanton?

A. No.

Q. You did pick out a third photograph?

A. That's right.

Q. Did you have a reason for picking this person out?

A. Yes.

MR. GRAY: I object to his reasons or motivation. Either he did or he didn't make a selection. Now he is asking him for his reasoning process.

THE COURT: I will sustain the form of the question. I don't think it really asks for motivation. I think the question is seeking something else, but perhaps it can be put to him more precisely.

Q. The photograph that you selected, not of the Harris

brothers, do yourecall selecting a photograph?

A. That's right.

Q. This photograph that you selected, do you recall why you selected that photograph, who was that person to you?

MR. GRAY: Those are several questions.

THE COURT: I think the problem is this, Mr. Maxwell, theobject is well taken as to his motivation. If you are asking him was there any characteristic about it that he saw and was not familiar or something of that sort, as to what was it about the photograph that called it to his mind, or something like that, that's different, but not what might have been his motive in making the selection.

Q. Mr. Stanton, this photograph that you selected, what was it about this photograph, was there some characteristic about this photograph that caused you to select this photograph?

A. That's right.

Q. What was the characteristic?

A. Well, the way he carried himself and the way he kept avoiding, looking a person straight or something like that.

Q. So --

A. He just kept his head on the side, that's all.

Q. Who are you talking about?

A. The third man. I couldn't recognize him now. It would

be impossible.

Q The third man with whom?

A He was in the middle of the car.

MR. GRAY: May we have a clarification as to whether he is talking about the photograph or his recollection of an individual whom he has previously testified to he saw in the car, because, frankly, I am confused at this point. I understand Mr. Maxwell to be asking this gentleman about a photograph, and it seems to me the responses have nothing to do with the photograph. He is talking about the way he carried himself and sat in the car, and again, we are talking about photographs that are not in evidence, so perhaps Mr. Maxwell is talking about a series of photographs that we are completely unfamiliar with.

THE COURT: I think it would help if you pinned down the occurrence he is describing when he makes some comparison with the photograph and individual.

MR. MAXWELL: I'm attempting to do that. It is obvious that the witness doesn't understand the process that we are going through here.

THE COURT: That's why the question has to be specially precise, to assist him.

Q The photograph that you selected when the FBI showed you

group of photographs as being the third man, this photograph you selected, was this of the person who was with the Harris boys on the morning the robbery occurred?

A That's right.

Q This photograph that you selected, was this of the person that was with Mr. Harris on the afternoon after the robbery occurred in front of Gilbert Robinson's house?

A Yes.

Q Mr. Stanton, that particular photograph, did you place any mark on that photograph, did you sign your name?

A Yes.

Q Do you recall specifically what you did?

A Yes.

Q What did you do?

A Made an A and an S.

(Government Exhibits 16, 16-A through 16-D were marked for Identification.)

THE CLERK: 16-E for Identification.

(Government Exhibit 16-E was marked for Identification.)

Q Mr. Stanton, I am going to show you a group of photographs. They are Government Exhibit 16 and 16-A through E. for Identification. I would ask you to look through that group of photographs and see if you can pick out the photograph that

the FBI showed you the group of photographs as being the third man. Have you made a selection? Would you hold it up for me? What's the number on the back of that?

A. 16-E.

Q. Does that Government Exhibit 16-E for Identification bear your signature?

A. Yes.

Q. Is it your signature, or some other mark by you?

A. It's my signature.

Q. What is there?

A. A.S.

Q. Is that your signature?

A. That's right.

MR. MAXWELL: At this time the government would move the admission into evidence of Government Exhibit 16-E for Identification.

MR. GRAY: Objection, if your Honor please.

THE COURT: On what ground?

MR. GRAY: If your Honor please, first of all, I would renew the objections made previously with respectto a group of photographs which I believe the identifications were -- for the purpose of hearing were marked differently and, I would object because -- as Mr. Maxwell has, I think, made very clear in

request permission to pass Government 16-E to the jury.

THE COURT: 16-E is not in a form that's acceptable to counsel.

MR. GRAY: Yes.

THE COURT: 16-E is a full exhibit.

(Government Exhibit 16-E was received in evidence.)

MR. MAXWELL: The government would request that Ronald Catron come forward and face the jury as they examine the photograph.

THECOURT: Mr. Catron, please come up here.

Q Just so we are clear about this, this Exhibit 16-E, with your signature, your initials, A.S., on the back and date, you selected this photograph, is that correct?

A That's right.

Q Thisphotograph was selected by you as being the person who was with Mr. Harris and his brother when they drove up to Gilbert Robinson's house on the morning of the bank robbery? Is that correct?

A That's correct.

Q That's the same -- this photograph, this is a photograph of the person that you selected as being with Mr. Harris in the afternoon of the bank robbery in front of Gilbert Robinson's?

A That's right.

Q When you arrived at Ronnie' house, Ronald Catron's house, was Mr. Catron present?

A No, sir, he wasn't.

Q Excuse me?

A No, sir.

Q What time did you get there, what is your best estimate?

A I guess around 8 o'clock, 8:30, somewhere around there.

Q 8 o'clock or 8:30?

A Around there. I can't recall the exact time. It could have been before 8:00. I can't -- I can't say.

Q Why don't you think about it for a second?

What time did you leave New Haven?

A Around 5:00 or 5:30, 6 o'clock.

Q It's about two and a half hours to Boston?

A Yes.

Q When you got to Boston, was it dark?

A Yes, sir.

Q Was it before 9 o'clock?

A I think it was before -- yes, I think before 9:00.

Q Was anyone home?

A Yes.

Q Who was there?

A. Yes, sir.

Q. Mr. Ronald Catron was aware of that, also?

A. Yes, sir.

Q. When you told this to Mr. Catron, was his wife present?

A. I don't know whether she was back there or not, but she was in the house.

Q. Do you know whether or not she became aware that the police in the New Haven area were looking for you for the robbery of the bank?

A. Not unless he told her.

Q. So that the question is: you didn't tell her?

A. No.

Q. You stayed at Mr. Catron's apartment the evening of November 6, is that correct?

A. Yes. I stayed until Wednesday.

Q. That means that you stayed there November 7 and November 8?

A. Right.

Q. For a portion of the day of the 8th, I presume? Did you stay the night of the 8th, also?

A. No, not the whole night.

Q. On November 7, did you spend -- did you leave the house or did you stay in the house?

A. I left. I went with Ronnie -- I left the house. I

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Q Is it fair to say he called you?

A Yes, sir.

Q What line did this call come in on?

A It came in on the private line.

Q Was this the line whose telephone number you had given to Mary Harris?

A Yes,sir, it was.

Q Detective Cohens, would you, as best you can, realte that conversation, as yourecall it, with Charles Harris on the evening of November 15, 1972?

A Yes, sir. When I received the call, the person on the other end stated that he was --

MR. CLAFFORD: I think I will have to object until there is a proper foundationfor identifying the person at the other end of thephone. There has been no foundation that he knows the voice of Charles Harris, who the person is on the other end. There is no indication that he knows Charles Harris, ever spoke to him on the phone before. I think that has to be a minimum foundation laid for this type of testimony.

THE COURT: I will accept the presentation already made as an offer of proof and permit the government to proceed.

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Q When you got to Boston, where did you go?

A I went to Ronnie's house.

Q When you got to Boston, where did you stay, where did you make -- where didyou sleep?

A I stayed at Ronnie's house until Wednesday.

Q After Wednesday, where did you go?

A Ronnie told me about a boarding house around the corner from his house, and that's where I stayed.

Q What were you doing in Boston, why were you in Boston?

A Because I didn't want to go to the family relations court.

Q Did there come a time when you had a conversation with members of your family?

A Yes, sir.

Q Was that over the telephone?

A Yes, sir.

Q With whom did you speak?

A My wife.

Q Did you speak to any other merbers of your family?

A Not that day, no.

Q When you talked to your wife what, if anything, did she say?

A She was crying over thephone and she kept mentioning

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least all of the evidence in the case of Charles Harris, as to whether or not theperson who called in was Charles Harris. The fact that it's admissible doesn't mean that you are to automatically assume that it was. That's a question for you to decide when you have heard all the evidence that affects Charles Harris' case.

Q Detective Cohens, I believe you indicated that the party on the other end of the telephone indicated that he was Charles Harris?

A Yes, sir, he did.

Q Would you relate the conversation that you had with this person in that phone call on the evening of November 15, 1972?

A Yes, sir. After he had stated to me that he was Charles Harris, I then stated to him that the FBI and another police agency were looking for him. I wouldn't ask him where he was because I just wanted to talk to him. I told him it would be best for him if he came in and got this matter straightened out, and his picture was on the TV, and also in papers, and he also stated to me at that time that, "I know, it was a stupid thing that we did."

I also asked him if he would consider surrendering himself to me, and that I would meet him by myself and that I

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had himself seen.

THE COURT: All right. The issue that defense counsel is properly objecting to has been made well known, so that any questioning has to be appropriately handled.

Q Detective Cohens, can you answer that question in a yes or no?

A What was the question again?

Q The conversation with Mr. Harris on the telephone that evening, and you indicated that a picture of him had appeared on television and in the newspaper?

A Yes, sir.

Q Was this a picture that you yourself had seen?

A Yes, sir, I had seen.

Q AT that time, did he indicate to you whether or not he was aware of that event occurring?

A Yes, sir, he said he knew.

Q Detective Cohens, I believe you indicated that he said, "It was a stupid thing we did"?

A Yes, sir.

Q Do you know what he was referring to by that?

MR. CLIFFORD: Object to that.

THE COURT: Sustained.

Q Detective Cohens, at the time that statement was made

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by Charles Harris, what were you discussing?

A. I discussed with him that the FBI and the other police agency were looking for him in regards to the bank robbery.

Q. Detective Cohens, I believe you indicated that part of the conversation concerned Charles Harris surrendering, is that fair to say?

A. Yes, sir.

Q. Would you relate that portion of the conversation?

A. I stated to him that I thought it would be best for him if he came in and got this matter straightened out and that if he would be willing to surrender himself to me, that I come alone.

Q. Did he make a reply to that?

A. He stated that he would be willing to surrender himself and cooperate in every way he could, but that he didn't know what time he would be able to come into New Haven due to the fact that he didn't have a bus schedule.

Q. What took place after that?

A. He stated that he would call me back, and as soon as he found out what time the bus would be leaving from wherever he was.

Q. Was that the end of that conversation?

A. Yes, sir, it was.

Q. Subsequent to that, did you receive another telephone

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call from Mr. Harris?

A. Yes, sir, I did.

Q. In thattelephone call, did he indicate to you who he was?

A. Yes, sir.

Q. What was the conversation you had with him the second telephone call, this is still the evening of November 15, 1972?

A. Yes, sir, it was. He stated that he would be arriving in New Haven by bus before 3 o'clock.

Q. At that time, did he indicate to you where he was?

A. No, sir, he did not.

Q. Did you ask him wherehe was?

A. No, sir, I did not.

Q. What did you tell him that you would do?

A. I told him that I would meet him alone, that he didn't have to worry about anybody else being around.

Q. Wasthat the sum total of that conversation?

A. Yes, sir, it was.

Q. How long was that second conversation, if you know?

A. Approximately three, four minutes, at the most.

Q. What about the first conversation, what was the length of the first conversation?

A. Exact time, I couldn't really tell you. It must have

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been more than five minutes.

Q Detective Cohens, on November 16, 1972, what did you do, did you start out your day and how it progressed?

A I immediately reported to work that morning and I went to the bus station to try and find out when when the earliest bus coming in near 3:00 or somewhere in that vicinity, and I went to Trailway and I ascertained that a bus would be coming in, so I sat and I parked and I waited.

Q Where is Trailway Bus terminal located with reference to the courthouse here?

A At the intersection of Church and Grove or Whitney and Grove, as a lot of people would refer to it, and stoplights, it would be approximately four stoplights from here.

Q About three or four blocks away, is it fair to say?

A About four blocks.

Q Where, at that time, was your office located with reference to the courthouse here?

A My office is located directly in back of the courthouse on Court Street side.

Q Detective Cohens, did you wait in the bus station itself?

A No, sir, I did not.

Q Where did you wait?

A I parked my car in front of a restaurant on Church

Street at the intersection of Grove.

Q Where would your location be with reference to the bus station?

A Approximately on the northeast corner of Church and Grove.

Q From the position where you were parked, were you able to observe the bus station?

A Yes, sir, I was.

Q What time did you get there, Detective Cohens?

A I arrived there approximately 9 o'clock that morning.

Q Did you remain there from that point on?

A No, sir, I didn't.

Q Were you called away at some point?

A Yes, sir, I was.

Q Was that on some other police business?

A Yes, sir, it was.

Q After -- question withdrawn.

Did you complete that police business?

A Yes, sir, I did.

Q After you completed that police business, did you return to the Trailway bus station?

A Yes, sir, I did.

Q Approximately what time did you get to the Trailways Bus Station at that time?

A I would think approximately somewhere in the vicinity of 11:00 or 11:30, in that area.

Q Would you tell us what happened after you got to the Trailways bus station from that point on?

A Yes, sir. After I arrived back at the bus station, a bus had pulled in a short time before my arrival, and I got out of my car, I observed the subject fitted the description of Mr. Harris inside of the bus station. I then approached him, I identified myself to him as a police officer, City of New Haven, and he stated that he was Charles Harris, and that it was at this time I placed him under arrest and I advised him of his constitutional rights, where he was then handcuffed and transported back to the car.

Q Detective Cohens, you say you saw an individual who fitted the description of Charles Harris. By that what do you mean -- what do you mean by that?

A I was at a distance when I saw him. I looked through a plate glass window, and I saw the subject in there fitting this description. I wasn't sure, but once I had got up to him, I had seen him before, and I known him. I identified myself to him as a police officer andhe acknowledgedthe fact that he was Charles Harris.

Q This meeting with Mr. Harris, did this take place in the interior of the station or outside the station?

A. Inside of the station.

Q. I believe you indicated that you advised him who you were?

A. Yes, sir.

Q. Did you show him the badge?

A. Yes.

Q. You advised him he was under arrest?

A. Yes, sir, I did.

Q. You said you advised him of his constitutional rights?

A. Yes, sir, I did.

Q. Doyou recall what specific rights you advised him of?

A. Yes, sir.

Q. Would you recite them to the jury?

A. Yes, sir. After I identified myself to him as a police officer, I told him that he had the right to remain silent, that anything that he said could be used against him in a court of law. Also, I stated to him that if he decided to answer questions from any police officer, that he had the right to stop answering them at any time he wished, and that if he wished to have a counsel with him during questioning or before questioning, that he had a right to have one, and that if he couldn't afford a lawyer, one would be appointed for him.

Q. At that time, did Mr. Harris indicate whether or not he understood what you told him?

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A. Yes, sir, he did.

Q. Did you have a chance or an opportunity to observe his manner at that time, did he appear to be nervous, did he appear to be afraid?

A. Well, he wasn't exactly shaking in his shoes, but he wasn't outwardly nervous, no.

Q. Detective Cohens, I believe you stated that after you advised him of what you call his constitutional rights, you placed handcuffs on him?

A. Yes, sir, I did.

Q. What was the next step that took place then?

A. He had a bag with him. I looked through the bag for any weapon or anything, and after that I transported him -- walked him across the street to where the car was parked.

Q. What took place when you got to the car?

A. I placed him in the back seat of the car.

Q. You were alone at this time?

A. Yes, sir, I was.

Q. When -- I mean by alone, there wasn't another police officer with you?

A. No, sir.

Q. And now, after Mr. Harris was placed in the back seat of the vehicle, what took place then?

A. I then proceeded to transport him back to the detective

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Q Would you describe to the ladies and gentlemen of the jury what occurred in your presence at the detective bureau?

A After we had got into the detective bureau we then immediately went up to the third floor where my office was located. We went into a side room, there were approximately two other detectives at this time with me. I then removed the handcuffs from him and I made a thorough search of his person.

Q Detective Cohens, did you find any weapons on him?

A No, sir, I didn't.

Q After this took place, what took plac ethen?

A I observed the FBI agents coming into the bureau at this time and I again stated to Mr. Harris that the FBI agent would wish to speak with him in regards to the bank robbery. I again advised him of his rights, and told him that he didn't have to speak with him if he didn't want to, but again he stated he wanted to cooperate.

Q You stated you advised him of his rights, what rights?

A Constitutional --

Q The rights you previously stated to the jury?

A Yes.

Q Did you include every one of the statements you made before with regard to right to silence and right to counsel?

A Yes, sir.

Q What did Mr. Harris say at the conclusion of this

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screen inside of the bureau there.

Q Is this called sometimes a detention cell?

A Yes, sir, it is.

Q Subsequent to his being placed in a detention cell, did FBI agents arrive at the bureau?

A Yes. They had arrived before I put him in. I saw him in the -- in the office.

Q What took place from that point on?

A I had spoken to them and stated that he was in the cage, at which time they stated they would like to speak with him concerning the robbery.

Q Which FBI agents were these?

A Agent Parker and Agent Townsend.

Q Do you see Agent Townsend in the courtroom?

A Yes.

Q Which one?

A The gentleman here.

Q Now, Detective Cohens, eventually was Mr. Harris presented to the agents?

A Yes, sir, he was.

Q Prior to his being presented to the agents, how long was he in the detention cell, if you know?

A I would say no longer than ten minutes.

Q Detective Cohens, would you describe how Mr. Harris

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was introduced to the FBI agents?

A. Yes. I introduced him myself. I told him then -- I knew Agent Townsend at the time, but I didn't know Agent Parker. Agent Townsend introduced Agent Parker to him and they stated they wanted to talk to him in regard to the bank robbery, Derby Savings Bank.

Q. Where did this conversation take place?

A. The initial conversation had started outside of the office, we were looking for a small room that we could use privately to speak with him.

Q. Was such a room secured?

A. Yes, sir, it was.

Q. Were you present from that point on?

A. For certain periods of time I was busy working on something else.

Q. Detective Cohens, did you hear the FBI agents advise or do anything with reference to advising Mr. Harris of his constitutional rights?

A. No, sir, I don't think I was in the room when they advised him of his rights.

Q. So that is it fair to say that Mr. Harris was more or less turned over to the FBI agents at the detective bureau?

A. Yes, sir. They usually handle the investigation.

Q. Did you yourself participate in the interrogation of

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met him, where you met him and what you did, just follow what took place?

A We went over to the detective bureau in the New Haven Police Department on November 16, we arrived there about 12:15 p.m. We met Detective Odell Cohens and Charles Harris in the squad room of the detective bureau, and at 12:20 p.m., I placed Charles Harris under arrest because it was a federal warrant for his arrest outstanding. We then attempted to obtain an interview room, a small room where we could talk to Mr. Harris. We obtained such a room. We went into this room, sat down and I showed to Mr. Harris the advice of rights form, which is also called: Your Rights.

Q At that point, Agent Townsend, I show you Government 25 for Identification, and I would ask you to look at that, and do you recognize that?

A Yes, I do.

Q Does that document there bear your signature?

A Yes, it does.

Q Do you recognize the other signatures on there?

A Yes, I do.

Q Were these signatures placed on thatdocument in your presence?

A Yes.

Q Have you maintained custody of that document since

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Q Mr. Townsend, when you met Mr. Harris in the squad room in the New Haven detective bureau, I believe you testified that you placed him under arrest?

A I did.

Q When you placed him under arrest, what did you say to him?

A I said, "I'm arresting you, you are charged with bank robbery, the robbery of the Derby Savings Bank, on November 6, 1972."

Q Did you advise himof your capacity?

A Yes. I identified myself as a special agent of the FBI and showed him my credentials.

Q Were there any other agents in your company at this time?

A Yes, Agent Parker was with me.

Q Agent Townsend, I believe you testified you did secure an interview room?

A Yes.

Q Where is this interview room located?

A This is located just off the squad room of the detective bureau.

Q Agent Townsend, didyou go to the squad room -- question withdrawn.

Did you go to this interview room with Mr. Harris?

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A. Yes.

Q. Were you accompanied there by anyone else?

A. Yes, by Agent Parker and by Detective Cohens.

Q. Would you tell theladies and gentlemen of the jury what took place after you arrived at the interview room?

A. As I said, we seated ourselves. I showed the advice of rights, or Your Rights form, to Mr. Harris. I asked him if he would read it. He did read it, and then I asked him if he understood what his rights were, and he said that he did. Then I asked him if he was willing to sign it, and he said that he was, and he signed it. Agent Parker and I witnessed his signature.

Q. Agent Townsend, I show you Government Exhibit 25. Would you tell the ladies and gentlemen of the jury what that document there is?

A. This is entitled: Interrogation, advice of rights, your rights, and this document is a standard form used by the FBI, and it lists the constitutional rights of a defendant.

Q. Was that particular document presented to Charles Harris?

A. Yes, it was.

Q. That particular document in front of you, Government 25, is that the document he was asked to read?

A. Yes.

Q. And were you in a position to observe him after you

1309

Mr. Harris, what was the next thing that took place?

A. I asked Mr. Harris if he was willing to answer questions, and he said thathe was. Then I asked him if he would tell us what happened on November 6, 1972 concerning the robbery of the Derby Savings Bank, and he went on to tell us that on that preceding Friday, I think it was November 3rd, '72, he met with his brother Earl Harris and a girl named Irene Brown. They were seated in Charles Harris' car on Howard Avenue, both Irene and Charles needed money, and Irene said, "Let's rob a bank." They decided to rob the East Derby office of the Derby Savings Bank.

On November 6 they proceeded to -- that is, Earl and Charles -- proceeded to the apartment of Gilbert Robinson in Ansonia and they stole the keys to Robinson's GTO. The keys were located on Robinson's dresser. They drove to a farm near the bank and left the Buick, which belonged to Charles Harris. Then they drove to the bank, the East Derby office of the Derby Savings Bank. They left the car outside the bank with the motor running and they went into the bank, Earl Harris was in front, Charles Harris followed, and Irene Brown was the third person into the bank.

Earl said, "Stick up," and Irene put the bank employees into the washroom, and Charles Harris told me that he scooped up the money from the tellers' drawers. They then left the bank,

got into the GTO, and they drove to the farm and they switched to the Buick: that is, Charles Harris' Buick.

There were guns used in this bank robbery, and these guns were brought by Irene from Boston. One of the guns was given to Earl and Irene kept one of the guns.

From the farm, after they transferred to the Buick, they drove to New Haven, the three of them, Earl Harris, Charles and Irene Brown, and they dropped off Earl in New Haven, and Irene and Charles drove in a Buick to Boston.

Q What you have just recited to the jury, this was a verbal statement to you and Agent Parker from Mr. Harris, is that correct?

A Most of it, yes. For the first part of the interview, Mr. Harris told us what happened, and then we asked him some questions.

Q During this part of the interview, were you taking down any notes?

A Yes, I was.

Q After that part of the interview concluded, did you begin to prepare a written statement of what Mr. Harris had told you?

A Yes.

Q Would you describe the manner in which you did this?

A I prepared a statement from my notes, and as I wrote a

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sentence in the statement, I would read it back to Charles Harris to make sure that this was correct. I followed this procedure throughout the statement, and Mr. Harris agreed that each sentence was correct, as I wrote it and read it back to him, with one exception. And he wanted one word changed in one of the sentences, which I did.

Q Now, at the conclusion of your writing out the statement, what was done then?

A I asked Mr. Harris to read the statement and also to initial any strikeovers that occurred. I had made a couple of errors in writing out the statement, and I asked him to initial those strikeovers. I asked him to initial the bottom of the first page. I asked him to initial the change which he had requested on Page 2 of the statement, and then I asked him to write at the end of the statement, "I have read this two-page statement and it is true and correct." He wrote this following the statement.

Then I asked him to sign it, which he did. And his signature was witnessed by me and Agent Parker.

Q Agent Townsend, did you ask Mr. Harris to initial any strikeovers while he was reading the statement or to read it first and then mark his initials?

A No. I asked him to initial the strikeovers as he was going through the statement, as he came on them.

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Q Did you observe him as he appeared to read the statement?

A Yes.

Q Agent Townsend, did you observe him place his initials on any places on the statement?

A Yes.

Q At the conclusion of this activity, you dictated something to him?

A Yes.

Q What was that?

A "I have read this two-page statement and it is true and correct."

Q Where was he with relation to yourself and Agent Parker when you dictated that to him?

A He was seated right next to me.

Q Did you watch him as he wrote that out?

A Yes.

Q Did you ask him then to sign his name to that?

A Yes.

Q Did you read what he had written there yourself?

A Yes, I read it.

Q At that time did it appear to be what you had dictated to him?

A It appeared to be, yes.

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Q Agent Townsend, subsequent to that, did you sign this -- witness this document yourself?

A Yes, after Mr. Harris had signed the statement, I witnessed his signature and Agent Parker did.

Q What was the next event that took place then?

A Then we explained to Mr. Harris that he would be taken before the U. S. Magistrate for the purposes of making bond and we transported him over to the U. S. Marshal's office in this building.

Q What happened after you arrived at the U. S. Marshal's office?

A We notified the U. S. Attorney's office and we notified the U. S. Magistrate that we had a prisoner to --for a bond hearing.

Q What took place then?

A Then he was taken -- Charles Harris was taken up to the office of U. S. Magistrate Latimer and was given a bond hearing.

Q What time did Mr. Harris arrive at the magistrate's office?

A According to my interview log, it was 2:41 p.m. on November 16.

Q This interview log, was this made contemporaneously with the events that were occurring as they occurred on November

1359

16?

A. Yes, it was.

Q. I show you Government Exhibit 26 for Identification, and I would ask you to look at that and tell me if you recognize what that document is?

A. Yes, I do.

Q. And does it bear your signature?

A. Yes, it does.

Q. Is that document, for the most part, in your handwriting?

A. For the most part, yes.

Q. Does it bear the handwriting of somebody else?

A. Yes.

Q. Who is that?

A. Charles Harris and Charles Parker.

Q. Is this the document you were talking about when you verbally were reciting what took place at the signed statement?

A. Yes.

MR. CLIFFORD: I take it it's being offered?

MR. MAXWELL: Yes.

MR. CLIFFORD: Subject to all my previous objections, your Honor, which are of record, for the purposes of this hearing, I have no objection. I object, but I imagine it will be a pro forma entry,

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anyhow. I should state, I object.

THE COURT: Your objections are of record. Exhibit 26 is admitted as a full exhibit in the case against defendant Harris only.

(Government Exhibit 26 was received in evidence.)

Q I show you Government Exhibit 26. I would ask you to read to the jury that entire statement, and if you come to a place where there is a strikeover, would you indicate that, also?

A Yes.

Q Read the date and place, everything on those two pages.

A "New Haven, November 16, 1972. I, Charles Harris, make the following voluntary statement to John H. Townsend and Charles Parker, who are known to me as special agents of the Federal Bureau of Investigation. I have read the form entitled 'Your Rights', understand them and have signed the form. I was born July 17, 1948 at DArlington, South Carolina. I went to the tenth grade in school. I can read and write. On Friday, November 3rd, 1972" -- now, following that is the word "my". That's stricken out and initial C.H. "On Friday, November 3rd, 1972, I met with two others, and we planned to rob the Derby Savings Bank on Derby Avenue on Monday, November 6, 1972. I took part in the robbery of this bank. On November 3rd, 1972, I met with my brother, Earl Harris, and Irene Brown, a girl from

Boston, in my car parked at 538 Howard Avenue, New Haven. Both Irene and I needed money. She said, 'Let's rob a bank.' We decided on the Derby Savings Bank, Route 34, Derby. Earl and I stole a 1968 GTO belonging to Gilbert Robinson of Ansonia. We went to his apartment and stole the keys to his car from his dresser. This was about 9:00 a.m. on that day."

Q Is that initialed at the bottom of that page?

A Yes, his initials appear at the bottom of the page.

"Irene had brought two guns with her from Boston, one of which she gave to Earl and kept one. We parked my car near the Sealtest farm on Derby Avenue. Earl, Irene and I drove tothe bank and parked in front of the bank with the motor running. We went into the bank with Earl in the lead, followed by me, and then Irene. Earl said, 'Stickup,' Irene put the tellers in a bathroom, and I went to the tellers' drawers."

Now, the word "scooped" is crossed out and the word "grabbed" is substituted. This was at Mr. Harris' suggestion, and this has been initialed C.H.

"I went to the tellers' drawers, grabbed up the money and put it in a brown paper bag. We then left the bank, got in the GTO, drove to the Sealtest farm" -- now, the word "farm" is written over and that's been initialed C.H. -- "drove to the Sealtest farm with me driving. We transferred to my Buick and drove to New Haven where I dropped off Earl. I gave

1382

Earl about $5,000. Irene and I then drove to Boston. I have read this to" -- spelled t-o -- "page statment" -- and statement is spelled s-t-a-t-m-e-n-t -- "and it is true in correct." And thisis signed: "Charles Harris," witnessed by me and Agent Parker.

Q Now, Agent Townsend, with regard to the portion of that written by Charles Harris in your presence, now, referring to the last part of where it says, "it is true," would you read how the words "in" and "correct" are spelled?

A Yes. The word "true" is spelled t-r-u-e, and then there is another word "in", i-n, and a third word "correct", c-o-r-r-e-c-t.

Q Where does Mr. Harris' signature appear?

A Right below on the next line.

Q Now, when you dictated him that paragraph, what were the words that you dictated?

A I dictated to him "true and correct".

Q Now, after he wrote that, did you read that verbatim?

A Yes -- no, I didn't read this particular part to him, because he had written it himself.

Q When was -- when did you first notice that the word "in" was used as opposed to "and"?

A Last week when it was called to my attention by Mr. Clifford.

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Q Mr. Townsend, did Mr. Harris give you any other information verbally that is not contained in that statement?

A Yes, he did.

Q Did he advise you where he had come from on the day in which he was arrested?

A Yes. He said he had come from Boston.

Q Did he say how he had come from Boston?

A By bus, I believe.

Q Did he indicate where he had stayed in Boston?

A Yes. He had stayed on a street which sounded like Manor, M-a-n-o-r Street.

Q Did he advise you whether or not he had made any purchases with funds from the bank?

A Yes, he did.

Q What did he advise you?

A He said that he had bought a radio and also a brown leather coat with funds that he had stolen from the bank.

Q Mr. Townsend, did you make any promises to Mr. Harris with regard to the fact that he had cooperated with the FBI and gave you a statement that things would go easier on him?

A No, I did not.

Q Did you make any threats to him concerning that he had to give you a statement?

A No, I did not.

1402

Q And, Mr. Townsend, were you able to notice Mr. Harris' effect as this interview was conducted, by that I mean, did he appear to you to be nervous, was he shaking?

A I didn't detect any signs of nervousness, no.

Q In your career with the FBI, have you interrogated numerous individuals?

A I have, yes.

Q Mr. Townsend, did Mr. Harris make any requests of you, did he ask you to do anything for him?

A No, he did not.

Q Did he ever ask to stop the questioning at any point in time?

A No.

Q Did he answer all of the questions that you put to him?

A Yes.

MR. MAXWELL: I don't have any further questions at this time.

CROSS EXAMINATION

BY MR. CLIFFORD:

Q Good afternoon, Mr. Townsend, you first met Mr. Harris at the New Haven Police Department, is that correct?

A Yes.

Q That, according to your log, is at 12:15, is that correct?

A. No, sir.

Q. Then you went over to a friend's place on Henry Street?

A. Yes, sir.

Q. Do you recall the name of this person?

A. Yes, sir.

Q. Who is that?

A. Linda Douglas.

Q. Linda Douglas?

A. Yes.

Q. Who is Linda Douglas?

A. Just a friend of mine.

Q. You stayed with Linda Douglas -- question withdrawn.

Was Linda Douglas at the apartment when you got to her apartment?

A. Yes, sir, she was.

Q. Was anyone else there?

A. No, sir.

Q. So is it fair to say you and Linda Douglas spent a few hours at her apartment?

A. Yes, sir.

Q. What did you do?

A. Just sat around and listened to music and talk.

Q. Listening to music?

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A. She cooked breakfast for me.

Q. You were listening to music?

A. We had the stereo on.

Q. Were you listening to records or radio?

A. Stereo.

Q. Were --

A. Records.

Q. You wouldn't have been able to hear any news broadcasts of the bank robbery?

A. No, sir.

Q. Did anyone else come to Linda's apartment while you were there?

A. No, sir.

Q. Did therecome a time when you left Linda Douglas' apartment?

A. Yes, sir.

Q. What time was this?

A. Around 1:30 -- the hours of 1:30 to 2 o'clock, I guess.

Q. Did you get in your vehicle?

A. Yes, sir.

Q. All of the time that you were at Linda Douglas' place, where was your vehicle?

A. It was parked downstairs.

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Derby Savings Bank being robbed?

A No, sir.

Q When you drove up to Ansonia, you drove past the bank, did you not?

A Yes, sir, I did.

Q Did you notice any police cars in the vicinity of the bank?

A No, sir, I just drove --

Q On the way back from Ansonia, did you notice any police cars in the vicinity of the bank?

A No, sir, I didn't pay no -- you know --

Q When you went back to New Haven, where did you go?

A To Linda's house.

Q Was Linda there?

A Yes.

Q What time did you leave Linda's house?

A It was around 5:00 or 5:30. It wasn't before -- around 5:30, 6 o'clock.

Q Your best recollection at this time is about 5:30?

A It was around newstime, because I always watch the 4:30 movie, so it was around 6 o'clock.

Q What channel do you watch the 4:30 movie on?

A Channel 8, every day at 4:30.

Q So you had the television on?

Q When you arrived at Ronnie' house, Ronald Catron's house, was Mr. Catron present?

A No, sir, he wasn't.

Q Excuse me?

A No, sir.

Q What time did you get there, what is your best estimate?

A I guess around 8 o'clock, 8:30, somewhere around there.

Q 8 o'clock or 8:30?

A Around there. I can't recall the exact time. It could have been before 8:00. I can't -- I can't say.

Q Why don't you think about it for a second?

What time did you leave New Haven?

A Around 5:00 or 5:30, 6 o'clock.

Q It's about two and a half hours to Boston?

A Yes.

Q When you got to Boston, was it dark?

A Yes, sir.

Q Was it before 9 o'clock?

A I think it was before -- yes, I think before 9:00.

Q Was anyone home?

A Yes.

Q Who was there?

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Q When you got to Boston, where did you go?

A I went to Ronnie's house.

Q When you got to Boston, where did you stay, where did you make -- where didyou sleep?

A I stayed at Ronnie's house until Wednesday.

Q After Wednesday, where did you go?

A Ronnie told me about a boarding house around the corner from his house, and that's where I stayed.

Q What were you doing in Boston, why were you in Boston?

A Because I didn't want to go to the family relations court.

Q Did there come a time when you had a conversation with members of your family?

A Yes, sir.

Q Was that over the telephone?

A Yes, sir.

Q With whom did you speak?

A My wife.

Q Did you speak to any other members of your family?

A Not that day, no.

Q When you talked to your wife what, if anything, did she say?

A She was crying over thephone and she kept mentioning

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something about the FBI said I helped rob a bank with my brother, and they was looking for me and my pictures and stuff.

Q. What did you say to that?

A. I just -- it stunned me. I didn't know really what to think because I knew that it wasn't me.

MR. MAXWELL: Excuse me, your Honor, I will object to this answer. It's not responsive. Mr. Clifford said, "What did you say to that?" The witness is giving his impression.

THE COURT: It may stand.

Q. Did you subsequently have a telephone conversation with any other member of your family after that, after November 6?

A. Yes.

Q. Did you?

A. Yes.

Q. With whom did you speak?

A. My sister.

Q. What is your sister's name?

A. Her name is Mary, by everybody calls her Midge.

Q. Can you recall when that conversation took place?

A. I can't recall the exact date, but -- I can't recall the exact date, but it was during the week, the following week, it was during the following week. I can't recall the right date.

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Q In relation to November 6, Mr. Harris, can you tell us to the best of your recollection how long it was since the time elapsed before you talked to your sister, do you recall?

A I would say about a week.

Q Did you have a conversation with your sister?

A Yes.

Q I don't want the details of the conversation, but as a result of that conversation, did you obtain or learn about the name Odell Cohens?

A Yes, sir.

Q As a result of that conversation, did you obtain a phone number?

A Yes, sir.

Q Did you call that phone number?

A Yes, sir, I did.

Q By the way, did you know Mr. Odell Cohens yourself?

A I met him before once.

Q Would he be a friend of yours?

A No.

Q When you spoke to him on the phone, didyou recognize his voice?

A No, sir, I didn't recognize it.

Q Did somebody at the other end identify themselves as Odell Cohens?

Q Mr. Harris, do you know where your car was the night before the bank was robbed?

A My car was with me, sir.

Q So it's your testimony that on November 5th, from the period of 6:00 p.m. to midnight, your car was with you?

A Until the time I got home, yes.

Q During that day, Sunday, you took your car and you went and picked up your two little children and you took them up to your mother to visit them, didn't you, around the late morning? Did you go to visit your mother on Sunday, the day before the bank was robbed?

A No. I can't recall.

Q Didn't one of your children have a birthday in and around thatperiod of time?

A November 4th.

Q Didn't you then take one of the little children up to visit your mother the next day, which was November 5th?

A No, sir, as I can recall that day, my wife gave my son a birthday party at Sheffield Avenue at her grandmother's house.

Q You don't recall taking the two little children or one of the little children whose birthday it was tovisit your mother?

A No, sir.

Q Then, it is fair to say that you know where your car

1499

was from 6:00 p.m. on Sunday, November 5th, until midnight?

A. That's when -- yes.

Q. If you weren't physically in the car, you knew where it was?

A. I had the car.

Q. You had the car?

A. Yes.

Q. Let's take the time from midnight, which would be 12 o'clock a.m., November 6th, until, say, 6:00 a.m. in the morning, okay?

A. Yes, sir.

Q. Where were you at that period of time?

A. I can't recall the exact time that I came to Howard Avenue, but it was at night.

Q. Is it fair to say that you believe you were at Howard Avenue?

A. It was after 11:00.

Q. So what you are saying that sometime after 11:00 you got home?

A. Right.

Q. To Howard Avenue?

A. Yes.

Q. Did you park your car on the street?

A. Yes, sir.

150a

Q This is the Electra automobile -- do you recall your license number?

A Yes, sir.

Q What was it?

A LH6795, I believe.

Q I show you Government Exhibit 11. Do you recognize what this is a copy of?

A Yes, sir.

Q Is that a copy of your registration?

A Yes, it is.

Q You would have had the yellow sheet?

A Yes, sir.

Q I believe you said you got home sometime after 11:00 and you parked your car in the street by the house. Did you go to bed?

A Yes, sir.

Q Did anyone ask you to borrow your car that night?

A No, not to my recollection.

Q When you got up in the morning, was your car the same place you had left it?

A Yes, sir, it was parked the same place.

Q Mr. Harris, you have heard testimony here from a person by the name of Rene Jones?

A Yes.

there?

A. No, sir.

Q. A payroll savings plan from where she worked?

A. My wife?

Q. Yes.

A. She wasn't employed.

Q. She wasn't employed?

A. No, sir.

Q. Didn't she work at B. F. Goodrich?

A. No, sir.

Q. In November of 1972, your wife did not work at B. F. Goodrich?

A. No, sir, my wife did not -- yes, a few weeks, I remember now.

Q. You used to take her there in the afternoon because she worked the second shift?

A. Right, for about two weeks, but we was living in New Haven.

Q. You know where that branch bank is located?

A. Yes, sir, I had a dental apointment one time there.

Q. The dental office over the bank. Is it the same building or adjacent building?

A. It's in a separate building.

Q. You are familiar there is a Wawa Food Market next to the

1529

bank?

A. Yes, sir.

Q. Have you ever been in theWawa Food Market?

A. No, sir, I haven't.

Q. On Sunday night, November 5th, did you have occasion to drive past the Derby Savings Bank?

A. No, sir.

Q. So, then, I think it's fair to say that you didn't go in the Wawa Food Market, either?

A. No, sir, I didn't drive -- I didn't go.

Q. Since you said that you had your vehicle under your control all the time, it would not be possible for your vehicle to have been parked in front of the Derby Savings Bank, would it?

A. No, sir, not to my recollection, because I parked it in front of my house and went to sleep.

Q. So that it wouldn't have been possible for some person while they were at the Wawa Food Market to copy down the license number, LH6795, from avehicle that was parked in front of the Derby Savings Bank on the evening of November the 5th?

A. Yes, sir, that's my license plate.

Q. So you had your car with you, you were with the car?

A. Yes, sir, it was parked in front of my house.

THE COURT: This is Sunday he is asking you about. Do you understand that?

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THE WITNESS: Sunday night, 11 o'clock.

THE COURT: Is your answer directed to 11 o'clock? Because I think the question was not --

THE WITNESS: I came home around 11:00 and I parked and I went to bed.

Q. Mr. Harris, I believe you previously testified that between 6:00 p.m. on Sunday night and until you got home, which you said was about 11 o'clock, you were with your Buick 225 Electra?

A. Yes, sir, I was.

Q. And it had the license plate LH6795, you had the license plate LH6795?

A. Yes, sir.

Q. So my question to you is: then, that it would not have been possible for somebody to copy down your license number as your car was parked in front of the Derby Savings Bank on Sunday night, November 5th?

A. Was it possible that somebody could have?

Q. Yes.

A. No,sir.

Q. Because you never parked your vehicle in front of the Derby Savings Bank or Sunday night, November 5th, at any time?

A. No, sir.

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Q And you were with your vehicle from 6:00 p.m. until the time you got home Sunday night, November 5th?

A To the best of my recollection, yes, sir.

Q Well, now, Mr. Harris, is it the best of your recollection or, "I was with my vehicle"?

A As far as I can recall, I was.

Q You do know that you didn't park it in front of the Derby Savings Bank?

A Yes, sir.

Q And you have never been in the Wawa Food Market?

A No, sir, I have not.

Q How long did you remain in Bunny London's house on the morning of November 6, 1972?

A It couldn't have been no more than five or ten minutes.

Q Is it fair to say that you left the house before 9 o'clock?

A Yes.

Q Then you drove up to Gilbert Robinson's residence?

A Yes, sir.

Q You have known Gilbert Robinson for some period of time, have you not?

A Yes, sir.

Q Do you know his nickname?

Q Took a taxi from Cambridge?

A Yes, sir.

Q Were the buses running?

A No. These buses stop 1 o'clock, the last bus.

Q So when Mr. Perry came by your house around 8 o'clock that morning, you hadn't had too much sleep, had you?

A No, sir.

Q After Mr. Perry came by your house, you indicated to him that you were not going to work, is that correct?

A Yes.

Q What did you do then?

A I went back and laid on the couch.

Q Did you see anyone in your house?

A No, not right after. A little while after, Gail came by and I just went to sleep.

Q When you say Gail, you are referring to the young lady who testified previously?

A Yes, Gail Johnson.

Q You saw her, did you, that morning?

A Yes, sir.

Q Did you say anything to your wife that morning?

A Did I say anything to my wife?

Q Yes.

A No, sir.

them anything you want. Tell them I went out of town, left town."

Q At that moment, when you told her this, did you hear her actually call your job?

A No. I went back in the living room and lay down.

Q So that particular moment, you don't know what she said?

A No, sir.

Q After you went back to lie down on the couch, then what happened?

A I went back to sleep.

Q Did there come a time when you woke up?

A I woke up, I guess it was about 11 o'clock, 11:30.

Q Prior -- after you talked with Mr. Perry, you asked your wife to call your employer and make up an excuse as to why you weren't coming to work, is that correct?

A Yes.

Q About what time was this?

A This was about 8:15.

Q What time did Mr. Perry usually come by to pick you up?

A Between 8 o'clock and 8:15.

Q After Mr. Perty left andyou spoke with your wife, as you told us, you went to lie back down on the couch?

A Yes, sir.

Q Now, did anything else happen or did you see anyone

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or talk with anyone else after going back to the couch?

A Gail came in a little while later. I wasn't -- I was half asleep.

Q Did you talk with her?

A She said, "Hi," and I said, "Hi."

Q She said, "Hi," to you?

A Yes.

Q Did you say anything to her?

A I said, "Hi," and nodded.

Q Then you fell back to sleep, did you?

A Yes, I lay back.

Q About what time did you wake up again?

A About 11:00, 11:30. When I got up I went in the kitchen and I looked at the clock, and it was around 11:00. I don't remember exactly what time it was, it was between 11:00 and eleven --

Q What did you do then?

A I ate breakfast and changed and washed up and then went out.

Q Was anyone home then?

A. Schrone was still there.

Q After you fixed some breakfast and washed up, did you do anything?

A. I went down to my brother and sister-in-law's house.

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Q Where do they live?

A On Geneva Avenue, Dorchester.

Q For the benefit of those who are not familiar with that area, is that in your neighborhood, so to speak?

A Yes, it's about three or four blocks away from my house.

Q That's about three or four blocks away from your house?

A Four or five.

Q What are the names of these people you went to visit?

A Laurice Harvey and Lee Harvey.

Q Are they related to you?

A Yes, they are my wife's -- Laurice is my wife's sister.

Q Mrs. Harvey is your wife's sister?

A Yes.

Q How did you go to their house?

A I walked.

Q How long does it take for you to walk from your house to Mr. and Mrs. Harvey's?

A Fifteen, twenty minutes.

Q Did anything happen to you -- question withdrawn.

You started out for Mr. and Mrs. Harvey's house, is that correct?

A Yes.

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Q Then what happened?

A Half way down there, about a block and a half from their house, I seen Lee Harvey getting off a bus and I called him, and we walked down.

Q Did the two of you then proceed to do something?

A We went over his house.

Q Was anyone at his house when the two of you got there?

A Laurice and their kids.

Q Mrs. Harvey and the Harvey children?

A Yes.

Q And what did you proceed to do then, if anything?

A We just talked, and then we started playing a little chess, playing cards.

Q Do you have any idea about what time this was when you got to the Harvey's?

A It was about 1 o'clock.

Q How long did you stay over there?

A Until about 4:00 or 5:00.

Q Did you see or talk with anyone while you were over at Mr. and Mrs. Harvey's?

A Yes. A girl named Tony lived on the third floor, up over them -- came down washing her clothes and using Laurice's dryer and washer.

Q Did she stay there?

1609

Q How did you get to the movie?

A We took a bus, Dudley station, and caught the train downtown.

Q Did you come back the same way?

A No, we took a taxi back.

Q Do you have any idea how long it took from the time you left your house and went to the movies until the time you returned back from the movies?

A We left about 7 o'clock and we got back about 10:15.

Q Was there anyone at your house when you got home from the movies?

A Yes, sir.

Q Who was that?

A Charles Harris.

Q Are you referring to the defendant Charles Harris?

A Yes, sir.

Q Had you been expecting him?

A No, sir. Well, he had called during the week and said he might be down Friday or Saturday. I figured if he would comedown, he would be down on the weekend, not during the week.

Q When you say he called during the week, you mean the week preceding November 6?

A Yes, sir.

Q At that time, did you recognize that person?

A No, I didn't know him.

Q Miss Jones, after that trip to Hartford, did there come a time when you saw the person who you have identified here in the courtroom again?

A Yes.

THE COURT: Is it clear which identification you're questioning her about?

Q The gentleman who you identified as driving the car on the night or the morning before the bank was robbed. Did you see that person again?

A Yes.

Q Can you approximate what time of the year this was?

A It was to Giant's cousin's house.

Q I take it you have named the location where this took place, is that correct?

A Yes.

Q What I'm interested in, do you recall what time of the year this took place?

A It was a little before Christmas, I think. Sometime in there.

Q Now, who is this person, Giant's cousin?

A She lives on Sylvan Avenue.

Q When you saw this person who you identified as

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Hartford. She was interviewed in Hartford. I think it's fair to say by myself, and she is a very reluctant witness, she would give her life not to be here. She feels very threatened by the circumstances involving the defendants, and she did not go into the grand jury room and testify at the grand jury, as such. She was a very uncooperative witness. She was subpoenaed to the courtroom, and finally she had quite a tight relationship with Harris --

THE COURT: There is no grand jury testimony.

MR. CLIFFORD: There is no Jencks Act of your interview with her?

MR. MAXWELL: None.

THE COURT: I assumeher statement that purports to quote Catron after the episode is being offered only against Catron?

MR. MAXWELL: Yes.

(Conference at the bench concluded.)

BY MR. MAXWELL:

Q Miss Jones, it's fair to say at sometime subsequent to the bank robbery you were at a house of a person you know as Giant's cousin, is that correct?

A Yes.

Q Yes?

A. Yes.

Q. Do you know this person's name?

A. His cousin?

Q. Yes.

A. Yes. Mary.

Q. I can't hearyou.

A. Mary.

Q. Do you know the person's last name?

A. No.

Q. This residence is located on Sylvan Avenue?

A. Yes.

Q. On this occasion, were you there alone, or were you there with anyone else?

A. I was there by myself.

Q. When you got there, was Giant there?

A. Giant was there with me.

Q. So you were there and Giant was there, is that fair to say?

A. Yes.

Q. Now, at some point in time, did the individual whowas driving the car, pulled up in Charles' car outside the bank and picked you up, did he come to that location?

A. Yes, later on that night.

Q. I can't hear you.

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with the government paid you any money?

A. Yes.

Q. It was your witness fee?

A. Yes.

Q. So that the FBI hasn't paid you any money for cooperation, have they?

A. No.

Q. Has anybody in the U. S. Attorney's office paid you any money for cooperation?

A. No.

THE COURT: Is there some claim with respect to this testimony?

MR. GRAY: Based upon the witness' testimony, if your Honor please, as I recall, I will withdraw my claim.

THE COURT: We will take a recess and resume with the jury after recess.

(Recess taken.)

(Jury entered courtroom.)

BY MR. MAXWELL:

Q. Prior to the recess, we were questioning you about a gathering over at a party's house by the name of Mary on Sylvan Avenue, do you remember that?

A. Yes.

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Q As to the time when this gathering occurred, are you uncertain as to the date of this occurrence?

A Yes.

Q Subsequent to the bank robbery occurring, did you ever visit Giant or Earl Harris when he was at the Whalley Avenue Jail?

A Yes.

Q Then, sometime after that, do you recall he was released from custody?

A From the jail?

Q Yes.

A Yes.

Q Did this gathering take place before or after Giant got out of jail?

A I think it was after.

Q Giant was with you, wasn't he?

A Yes.

Q So is it fair to say it would have been after he got out of jail?

A Uh-huh.

Q Now, Miss Jones, at this gathering on Sylvan Avenue, did you have a conversation with Ronnie?

A Yes.

Q By that I mean did you speak to him and did he speak

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to you?

A. Yes.

Q. Would you tell us what you said to him and what he said to you on that occasion?

A. It wasn't like a gathering. It was no party or nothing.

Q. Let's go back a second. You went to this Sylvan Avenue address?

A. Yes.

Q. Were there some people there?

A. It was me, Giant, at first, because we had -- we went over there to see her and we was over there practically all day, and then later on that night Giant left and I was there by myself because she had went out, and she wanted me to go, you know, out with her, and I was going to go out with her that night.

Q. At some point after that did Giant return?

A. Yes.

Q. When he returned was he alone?

A. No.

Q. Do you know who he was with?

A. Yes.

Q. Who was he with?

A. Ronnie.

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Q Now, after Giant came back with Ronnie, did you speak to Ronnie?

A Yes.

Q I only want what you said to Ronnie and what Ronnie said to you, not anything anybody else said, can you understand that? Would you tell us what you said to Ronnie and what Ronnie said to you?

A I asked him was he the one that was up at the grand jury at the time we was up there.

Q Where were you referring to, what city?

A In Hartford.

Q Continue.

A He said, "Yes." Giant said this is --

Q Not what Giant said. I don't want you to say what Giant said. Just what Ronnie said to you and what you said to Ronnie.

A I asked him was he the one that was in the grand jury, and he said, "Yes," and -- I get mixed up. Why can't I say the whole thing?

Q I just want you to say what you said to Ronnie and what Ronnie said back to you.

A And then I asked him was he the one that was -- that came and picked us up that night at the telephone thing and he said, "Yes."

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Q He said he was?

A Yes.

Q Did he say anything after that?

A He said that, he asked me did I remember him, he said that he knew me through by Giant, but I didn't know him.

Q Did he say anything to you about not elling anyone about this?

MR. GRAY: I object, if your Honor please. That's an obviously leading question.

THE COURT: I will sustain the objection.

Q Miss Jones, the conversation that you had with Ronnie on this occasion, did he say anything else to you?

A Yes.

Q What was that?

A He just told me not to tell anyone.

Q After that, did you tell anybody about this meeting?

A No.

Q Who was the first person you told about this occurrence other than in front of this jury today?

A Mr. Northcutt.

Q Mr. Northcutt?

A Uh-huh.

Q When did you tell him this? How long ago from today?

A Not long, Thursday.

ODELL COHENS, called as a witness, having first been duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK: State your name and address.

THE WITNESS: Odell Cohens. 66 Judson Avenue.

DIRECT EXAMINATION

BY MR. MAXWELL:

Q Are you employed?

A Yes, I am.

Q By whom are you employed?

A I am employed by the City of New Haven Police Department.

Q Is it Cohens or Cohen?

A Cohens with an s.

Q In what capacity are you employed?

A At the present time, I'm a detective assigned to the community services unit.

Q Detective Cohens, in November of 1972, were you so employed by the New Haven Police Department?

A Yes, sir.

Q Were youa detective at that time?

A Yes, sir, I was.

Q What unit were you assigned to at that time?

A I was assigned to the investigation services, New

Haven.

Q Would that be called the detective division?

A Yes, sir.

Q Detective Cohens, do you recall the incident in which the bank, the Derby Savings Bank on Route 34 was robbed in November of last year?

A Yes, sir, I do.

Q And did you participate in the investigation of that bank robbery along with other law enforcement agencies in this area?

A Yes, sir, I did.

Q Did you make attempt to locate some of the subjects of that bank robbery?

A Yes, sir.

Q Detective Cohens, do you know any members of the Harris family?

A Yes, sir, I do.

Q Would you tell us which members you know?

A I had seen the subject Charles, but I knew him to be a brother -- his sister that I knew very well, Mary Harris, who I call Midge.

Q Subsequent to the robbery occurring, did you have a conversation with Midge concerning the whereabouts of Charles Harris?

A. Yes, sir, I did.

Q. And/or Earl Harris, Giant?

A. Yes, sir.

Q. Could you say when this conversation took place?

THE COURT: Excuse me. What's her relationship?

THE WITNESS: Sister. Sister and brother.

THE COURT: Midge Harris is Charles Harris' sister?

THE WITNESS: Right.

Q. Do you recall when this conversation took place?

A. As near as I can remember, approximately two, three days after this happened.

Q. I don't want to go into the actual substance of the conversation, but can you tell us briefly, did you make any requests of her or ask her anything?

A. Yes, I did.

Q. What did you ask her?

A. I asked her if she knew where her brother was and if he had called her, because if he called her, I wanted to talk to him because the police was looking for him, the FBI was looking for him, and I didn't want to see him get hurt.

Q. When you say "brother", were you referring to only one brother?

A. Her brothers.

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Q Subsequent to that conversation, can you pinpoint that in time?

A This was still the night hours. She was at a club on Whalley Avenue called Talk of the Town.

Q Subsequent to that conversation, did she contact you?

A I gave her my number; yes, she did.

Q What number did you give her?

A I gave her the private line in the detective bureau.

Q Is there any significance to the private line in the detective bureau?

A Yes, sir, you call direct into the bureau and the calls are not taped.

Q When you say "taped", you mean there is no tape recording made of the calls?

A No, sir.

Q Are other calls that come into the bureau taped?

A Yes, sir, they are.

Q Detective Cohens, did Midge call you?

A Yes, sir, she did.

Q Did she indicate whether or not she had been in communication with her brother?

A She stated that they had called.

Q Did she indicate to you whether or not she had relayed your message concerning Charles?

A November -- I can't recall the exact date.

Q Was he arrested subsequent to that?

A Yes, sir.

MR. CLIFFORD: He can refer to his notes if he has any.

MR. MAXWELL: I don't believe the detective has any notes.

MR. CLIFFORD: No notes?

Q Detective Cohens, do you know the date on which he was arrested?

A I know the date that he was placed under arrest. We had another bank robbery in New Haven, East Street, First New Haven. I think it was near the 16th of November or in that vicinity.

Q With reference to that date, when was this phone call from Charlie Harris?

A It would have been the 15th, because it was a day after.

Q Do you recallabout what time this phone call came in from Mr. Harris?

A It was in the evening hours, I would say between 9:00 and 10:00 or near there.

Q Did you have one or more conversations with Mr. Harris that night?

A. I had two.

Q. So he called you two times?

A. Yes, sir.

Q. Now, when he called up the first time, did he identify who he was?

A. Right.

Q. Did you indicate who you were?

A. Yes, sir, I did.

Q. Did you have any conversation with him concerning the bank robbery?

A. Yes, sir, I did.

Q. Did he make any statements to you concerning the bank robbery?

A. Yes, sir.

Q. During this phone conversation, did you give Mr. Harris what are commonly called Miranda warnings?

A. No, sir, I didn't.

Q. Did part of this conversation concern turning himself in or surrendering?

A. Yes, sir.

Q. Did you reach some agreement on that?

A. Yes, sir, we did.

Q. What was that agreement?

A. He stated that he would be arriving in New Haven

and he would turn himself in about noontime at the Trailway Bus Terminal.

Q Which phone call did this information come forth in?

A This was the secondphone call.

Q Was that the sum and substance of the conversation of that evening, you had agreed for a place to surrender?

A Right. I told him that I would come along, that he didn't have to worry about being hurt or anything, and that police was looking for him and FBI was looking for him and what not.

Q Now, he agreed to meet you and surrender at the Trailway Bus?

A Yes, sir, he did.

Q Detective Cohens, going to the next day, this is when he told you he would be at the Trailway Bus station?

A Yes.

Q Did you go totheTrailway Bus station the next day?

A Yes, sir, I did.

Q Do you recall what time you went there?

A I went there about 9:30 a.m., just in case he got an earlier bus, I went there and waited.

Q Did you see Mr. Harris at the Trailway Bus station at that time?

A No, sir. He wasn't there at that time, no.

Q You are testifying today from your recollection of what took place last November 15?

A Yes, sir.

Q On the first telehpone conversation that you had with Mr. Harris, you have told Mr. Maxwell that you identified yourself and he identified himself, is that correct?

A Yes, sir.

Q That at no time during that conversation did you advise him of any rights that he has to remain silent, that he need not talk to you, you never did that, did you?

A No, sir.

Q What, if anything, did Mr. Harris say to you on that telephone conversation?

A Well, I stated to him that the FBI had obtained a warrant for him, that hispicture was in the paper, and what not, and that I had spoken with his sister with regard to his being wanted, and the best thing for him to do was to turn himself in due to the fact that he didn't want to be running all his life looking back over his shoulder, and he said, "I know, it was a stupid thing that we did."

Q That we did or they did?

A That we did.

Q Did you say before "they did", isn't that the word you used, it was a stupid thing they did?

A I don't recall any.

Q Did Mr. Harris indicate anywhere along the line, do you need the handcuffs?

A Yes. I explained to him why.

Q He did indicate: why the handcuffs, is that right?

A Yes, I explained to him, yes, sir.

Q Now, at that time, was there a warrant out for the arrest of Mr. Harris?

A By the FBI.

Q By the FBI?

A The bureau, yes.

Q Was there any warrant directed to you for Mr. Harris' arrest?

A Directed to me?

Q Yes.

A No, it was sent to the bureau.

THE COURT: By "bureau", you mean the detective bureau or Bureauof --

Q I informed them that Mr. Harris had contacted me and was willing to surrender himself to me so they arranged to have a copy of the warrant sent to the bureau.

THE COURT: You mean the detective bureau?

THE WITNESS: Yes, sir.

Q Did you take --, did you receive a warrant, a copy of

a warrant, prior to the arrest of Mr. Harris?

A. No, sir, not to my knowledge, no.

Q. You knew that one existed only because somebody told you so, is that right?

A. Yes, sir.

Q. When you made the arrest, you did not know to whom that warrant was addressed as being authorized to make the arrest, did you?

A. If there was a warrant, the police officer has an authorization to place a person under arrest.

Q. That's your understanding, is that right?

A. Yes, sir.

Q. Is it your understanding, Mr. Cohens, that if a New Jersey courts issues a warrant of arrest, you have the authority to arrest on that warrant?

A. If we are notified and sent a copy of the warrant or a teletype, yes.

Q. This is true of any of the 50 states?

A. To my knowledge, yes.

Q. That's what you were acting under, is that correct?

A. Yes, sir.

Q. But insofar as you knew, there was no State of Connecticut warrant issued for the arrest of Mr. Harris, is that correct?

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and he would turn himself in about noontime at the Trailway Bus Terminal.

Q Which phone call did this information come forth in?

A This was the secondphone call.

Q Was that the sum and substance of the conversation of that evening, you had agreed for a place to surrender?

A Right. I told him that I would come along, that he didn't have to worry about being hurt or anything, and that police was looking for him and FBI was looking for him and what not.

Q Now, he agreed to meet you and surrender at the Trailway Bus?

A Yes, sir, he did.

Q Detective Cohens, going to the next day, this is when he told you he would be at the Trailway Bus station?

A Yes.

Q Did you go tothe Trailway Bus station the next day?

A Yes, sir, I did.

Q Do you recall what time you went there?

A I went there about 9:30 a.m., just in case he got an earlier bus, I went there and waited.

Q Did you see Mr. Harris at the Trailway Bus station at that time?

A No, sir. He wasn't there at that time, no.

Q Did you begin to wait for him?

A Yes, sir, I did.

Q Did you leave the Trailway Bus station at any time?

A Yes, sir, I did.

Q And, just for the record, where is the Trailway Bus station located with reference to the courthouse here?

A It was down Church Street at the intersection of Church and Grove or Church and Whitney or Grove and Whitney, as a lot of people would say, and stoplights, it would be approximately four stoplights down on your right.

Q Detective Cohens, you said you left the Trailway Bus station at some point in the morning?

A Yes.

Q Tell us briefly what occurred?

A As I was sitting waiting for Charles Harris to turn himself in, I received a phone call on my police radio that a police unit was involved in a pursuit of a suspect from the bank robbery at theFirst New Haven National Bank on East Street, and that shots were being fired. So I immediately contacted my office and told them that I would be heading in that direction in regards to the suspects being chased.

Q Is it fair to say you participated in the apprehension of suspects from that bank robbery?

A Yes, sir.

Q Was this Mr. Burton and McCarthy?

A Right.

Q Detective Cohens, did you return to the Trailway Bus station after involving yourself with this other bank robbery?

A Yes, sir, I did.

Q When yougot there, did you see Mr. Charles Harris there?

A Yes, sir.

Q Did you recognize him on sight?

A Yes, sir.

Q Do you recall what time you arrived at the bus station at that time?

A It must have been shortly before 12:00.

Q When you saw him, what did you do?

A I went up tohim and I said, "Charles Harris?"

And he said, "Yes."

I displayed my badge and I told him I was a police office officer, New Haven, and I was a Detective Cohens and I placed my hand on himand told him he was being placed under arrest and advised him of his constitutional rights, and at which time I handcuffed him.

Q Did you conduct a search of his person at that time?

A I just patted him down.

Q Was he carrying any luggage?

A The only thing he had was a paper bag.

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Q Did you search that paper bag?

A Yes, sir.

Q Detective Cohens, you said you advised him of his constitutional rights. Would you tell us for the record what rights you advised him of?

A Yes, sir, I advised him that he had the right to remain silent and anything that he said to me or any other police officer would be used against him in court, that if he wished to answer any questions of me or any otherpolice officer, he had the right to stop answering questions at any time that he wished. That if he wanted a lawyer present during or before questioning, that he had a right to be represented by counsel, and that if he couldn't afford counsel, one would be appointed for him.

Q Detective Cohens, did you read those rights from a card or from your memory?

A From memory. I didn't read from a card.

Q Detective Cohens, did Mr. Harris indicate whether or not he understood what you advised him?

A Yes, sir.

Q What did he indicate?

A I asked him if he understood, and he said, "Yes."

Q What took place after that?

A He was immediately transported -- I walked him from the Trailway Bus terminal to my car, which was parked on the

other side of the street, and we then proceeded to go to the detective bureau.

Q Didyou have any conversationwith him in the vehicle that he was placed in?

A Right. I had advised him of his rights, and I also stated that he was going the right thing by turning himself in.

Q You say you advised him of his rights, what rights did you advise him of?

A The same rights that I repeated, his constitutional rights.

Q You said he was doing a good thing by turning himself in?

A Yes, sir.

Q Did he have any conversation back with you after that?

A General conversation, he had mentioned that it was a stupid thing that they had done.

Q What I'm wondering about is, did he indicate that he understood what you were telling him?

A Yes, sir.

Q Did he indicate whether or not he wanted to cooperate with you?

A He stated that he wanted to cooperate.

Q After he was in the vehicle, where was he taken to?

A He was taken to 152 Court Street.

Q Is that the building adjacent to the courthouse here?

A Yes, sir, it is.

Q What took place at that location?

A That's where we -- I took him upstairs to a small room where I took handcuffs off him and I gave him a thorough search and again advised him of his constitutional rights.

Q Were you alone at that time, or was anyone else with you?

A There were other police officers present at the time, but I can't recall who they were.

Q Detective Cohens, did you give him -- you say when you advised him of his constitutional rights, are these the same rights that you previously indicated you had advised him of?

A Yes, sir.

Q What you're saying, within the period of time from which you placed him under arrest to the detective division, you verbally advised him of his constitutional rights on three separate occasions?

A Yes, sir.

Q And did you advise him that the FBI was coming over to see him?

A I told him that the FBI would be talking to him. This is when I advised him of his rights. I told him they would

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be questioning him with regards to this.

Q Did he indicate to you at that time whether or not he wished to cooperate with the FBI agents?

A He stated that he was goingto cooperate.

Q Did Mr. Harris make any requests of you at any time, did he ask you to call anyone for him?

A The only person that he asked me to call was his sister, Midge.

Q Wherdid he make this request of you?

A When we were in the bureau.

Q Did you call Midge?

A Yes, I did.

Q I don't want to get into the conversation, but did you advise her of the events that transpired?

A Yes, sir.

Q Now, Detective Cohens, did there come a time when FBI agents appeared at the detective bureau?

A Yes, sir, shortly thereafter.

Q Where was Mr. Harris at this time?

A He was in the cage, the small retainercage of the bureau.

Q Did you introduce Mr. Harris to the FBI agents?

A Yes, sir, I did.

Q What transpired after that?

A. We subsequently looked for a small interrogation room that we could have some privacy to speak with Mr. Harris, and we -- after finding one, we went into the room to speak with him.

Q. Were you present in the room when the FBI agents had advised him of his rights?

A. I don't recall, because I was in -- room due to the fact I was working on theother one, also. I was walking in and out of the room.

Q. Detective Cohens, did you hear any of the story that Charles Harris related to the FBI agents?

A. Yes, certain portions of it.

Q. After the FBI agents arrived at the detective bureau, do you know which agents that was?

A. Agent Parker and Agent Townsend.

Q. How long after Mr. Harris arrived at the detective division did the agents arrive?

A. I would say no more than ten minutes.

Q. Is it fair to say that the agents took overthe questioning once they arrived there?

A. Yes, sir.

MR. MAXWELL: I don't have anything further from Detective Cohens at this time.

JOHN TOWNSEND, recalled as a witness, having previously been duly sworn, resumed and testified further as follows:

MR. MAXWELL: May Agent Townsend still be considered under oath?

THE COURT: Yes.

DIRECT EXAMINATION

BY MR. MAXWELL:

Q Mr. Townsend, on November 16, 1972, did you interview Charles Harris at the New Haven detective division?

A Yes, sir, I did.

Q Would you start -- do you have an interview log with you today of what transpired there?

A I do.

Q May I have that?

MR. MAXWELL: May this be marked?

THE CLERK: Government Exhibit 8 for Identification.

(Government Exhibit 8 was marked for Identification.)

Q I show you Government Exhibit 8 for Identification, and do you recognize what that is?

A Yes, I do.

Q Agent Townsend, what is that?

A. This is an interview log.

Q. Who does it concern?

A. It concerns an interview with Charles Harris on November 16, 1972.

Q. Agent Townsend, did you meet Charles Harris at the New Haven detective division?

A. I did.

Q. When you met him, did you do anything with regards to him?

A. Yes. I placed him under arrest.

Q. When you say you placed him under arrest, did you advise him as to the fact that he was under arrest?

A. Yes. I told him he was under arrest and charged with the robbery of the East Derby branch of the Derby Savings Bank on November 6, '72.

Q. When you placed him -- when you say you placed him under arrest, were you aware of any activity Detective Cohens had had regarding Mr. Harris?

A. Yes, I was.

Q. Agent Townsend, after this activity advising you of the charges, what was the next activity that took place?

A. We tried to find an interview room where we could talk to Mr. Harris and we went into the interview room and sat down. Agent Parker and I identified ourselves as agents of

the FBI, we showed him our credentials, and then I handed to Mr. Harris a waiver of rights form.

Q Agent Townsend, did Detective Cohens introduce you to Mr. Harris?

A Yes, he did.

Q Was he present when you went into this interview room?

A Yes, he ushered us into the room and showed it to us.

Q Was Mr. Harris in handcuffs at this time?

A No. The handcuffs had been taken off.

Q I show you Government Exhibit 9, and I would ask you to look at this and see if you recognize what it is?

A Yes, I do. It's a form entitled: "Your rights".

Q Does that form bear your signature?

A Yes, it does.

Q Does it bear the signature of Charles Harris?

A Yes, it does.

Q Does it bear anyone else's signature?

A Yes, the signature of Agent Charles Parker.

Q Now, Agent Townsend, prior to Mr. Harris signing this form, was this form shown to him?

A Yes, it was.

Q Would you describe what transpired concerning advising him of his rights?

A I handed this form to Mr. Harris, and I said, "This

form lists your constitutional rights." I asked him if he would read it, and he said he would. I asked him if he could read and write, and he said thathe could. Then he read the form.

Q Did he read it out loud?

A No, he did not.

Q So you observed him looking at the form?

A Yes, I did.

Q For what period of time did he look at this form?

A About one minute.

Q At the conclusion of that, what did you observe him to do? Did you ask him at any point in time if he understood what was contained in that form?

A Yes, I asked him if he completed reading the form, and if he understood the rights explained on the form.

Q What did he say?

A He said he had read it and he did understand his rights.

Q What transpired after that?

A Then I asked him if he would be willing to sign the form. He said that he would, and he signed the form.

Q Did you observe him sign the form?

A Yes, I did.

Q What took place after he signed the form?

A Then I asked him if he would be willing to answer questions, and he said that he would, and I asked him if he

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concerning the Derby Savings Bank robbery?

A. Yes, he did.

Q. What was the form of this statement?

A. It was oral. I asked Mr. Harris if he would tell us what happened on that day, November 6, and he proceeded to do so.

Q. Did you ask him any questions while he was doing this?

A. Not at first, no.

Q. Would it be fair to say that he completed verbal recitation and then you made some inquiries of him?

A. That's right.

Q. Now, did you make any notes as to when he was giving you this verbal recitation?

A. Yes, I did.

Q. At the conclusion of this verbal recitation, did you transform those notes into a statement form?

A. I did.

Q. At the conclusion of doing that, did you request that he read the statement?

A. Yes, I did.

Q. Did you observe him to read the statement?

A. Yes.

Q. And did he indicate that he had read the statement?

A. Yes.

Q. Did you ask him to do anything with regards to that

statement?

A. Yes. I asked him to place his initials opposite any strikeovers in the statement to initial the bottom of the first page and then at the end of the statement -- first, I asked him if the statement was true and correct, and he said it was, then I asked him to write that in his own handwriting at the end of the statement, "I have read this two-page statement and it is true and correct," and he did write that and placed his signature under that.

Q. Did you witness this?

A. I did.

Q. Did you tell him that he had to sign this statement that you had written up?

A. No, I did not.

Q. Did you observe any hesitancy on his part to sign this statement?

A. There was no hesitancy.

Q. Were you able to observe any nervousness on his part during this transaction?

A. No, he appeared to be quite composed.

Q. At the conclusion of the signing of the statement, did you obtain any further information from him?

A. Yes, I did.

Q. Agent Townsend, after your interview was complete with

regard to -- question withdrawn.

After yourinterview with Mr. Harris had ceased, what was the next thing that occurred?

A I told him that we were going to take him over to the marshal's lockup and he would be taken before the U. S. Magistrate.

Q Did you advise him what the reason for going before the magistrate was?

A Yes, for the purpose of making bond.

Q Prior to his giving you a statement, had there been any -- had the topic of bond been raised?

A No.

Q Did you say to him, "If you cooperate and give us a statement, you will get a lower bond"?

A No.

Q And after the interrogation had ceased, was he taken to the marshal's office?

A Yes, he was.

Q Were you present at a magistrate's hearing?

A I was.

Q Do you know the time and place of that magistrate's hearing?

A Yes, I do.

Q Would you tell us what it was?

A. It was in the office of the U. S. Magistrate Arthur Latimer, and timewas, the hearing began at 2:41 p.m. on the 16th.

Q. Was that the last contact you had with Mr. Harris regarding an interview of him?

A. Yes.

MR. MAXWELL: I don't have anything further of this witness.

CROSS EXAMINATION

BY MR. CLIFFORD:

Q. Mr. Townsend, you have testified that after you were introduced by Mr. Odell Cohens to Charles Harris, you placed him under arrest, is that correct?

A. Yes.

Q. At the time youplaced him under arrest, you knew Odell Cohens had previously placed him under arrest, is that correct?

A. Yes, that's right.

Q. Why did you place him under arrest?

A. Because it was a federal warrant outstanding for the arrest of Charles Harris, and we were federal agents.

Q. It crossed your mind that maybe Mr. Odell Cohens didn't have authority to make an arrest?

A. No, that did not cross my mind.

Q. Did Mr. Odell Cohens tell you of any admissionsthat were made by Mr. Harris to him?

admissible only in the case of defendant Harris and not in the case of defendant Catron.

We will take our midmorning recess at this point.

(Recess taken.)

(In the absence of the jury.)

MR. GRAY: I would ask with respect to the next witness, Mr. Maxwell has indicated that he is going to offer the same limiting instruction, and this time should I decide to ask any questions, I will make it clear prior to asking questions that I'm calling the witness.

MR. CLIFFORD: I have a sentencing before Judge Zampano. I'm not too sure when it's going to occur. It may occur tomorrow or Thursday, and probably at 2 o'clock.

THE COURT: With respect to Government Exhibit 10, I should make one additional finding in connection with the ruling this morning on the admissibility of the oral and written statements. I'm not sure defense counsel argued that the handwritten last sentence put in by the defendant automatically rendered the statement inadmissible, but I think it was referred to as a circumstance that bore on admissibility in the

sense that it may have suggested that the totality of circumstances were such as it rendered the statement involuntary, so I do want to make a specific finding as to that last sentence and having heard defendant Harris give his explanation of why the last sentence has the word "in" and then the word "correct" as a separate word rather than what AGent Townsend, in effect, dictated, which were the words "and correct", I find as a matter of fact that what occurred here, contrary to the defendant Harris' explanation, is that he did not consciously change the words that were dictated to him in order to create an impression that the statement was,in fact,not correct. I find that what he endeavored to do is take down what he understood was being dictated and inadvertently made an error, in effect, an error in transcription. He wrote down the word "true", and I think as the phrase was read to him perhaps hurriedly, he took it to mean "true in", and then the word "correct", and I find that he endeavored to write it down as he understood it, thathe thought he was subscribing to the truth of the statement, and the way the sentence appears as a result of his lack of full comprehension of spelling and grammar, rather than a decision on his

part to deny the truth of what appeared in the statement.

Now, of course, there remains a jury question how they will understand this, and I'm not in any way trying to conclude the matter for them, but that's the assessment I come to having heard defendant Harris and Agent Townsend describe the circumstances under which these words appear on the paper, and based on that finding of fact, I am satisifed that the somewhat paradoxical statement that appears is not at all a reason for excluding it.

MR. MAXWELL: At this time, since the jury is not here, the government would request that the clerk put government exhibits for identification markingson 9, 10, and I believe it's 11 --

THE COURT: You want them to carry the next number, trial exhibit numbers?

MR. MAXWELL: Yes. 24, 25 and 26 are the next ones. Government 24 for Identification is the interview log, and Government 25 is the form entitled: Your Rights, and Government Exhibit 26 for Identification is the signed statement of Charles Harris.

(Jury entered courtroom at 12:00 noon.)

ARTHUR STANTON, called as a witness, having first been duly sworn by the Clerk of the Court, was examined and testified as follows:

THE CLERK: State your name and address.

THE WITNESS: Artie Thomas Stanton. 149 North Main, Ansonia.

DIRECT EXAMINATION

BY MR. MAXWELL:

Q Mr. Stanton, are you employed?

A Yes.

Q By whom?

A Farrell's.

Q I believe you stated that you lived at 149 North Main Street, Ansonia?

A Yes.

Q Do you live there with your family?

A Yes. Excuse me. Before I start, who put my name in that I was a witness or anything? Who was the one that--

Q You are not supposed to ask questions here. I am the one who asks the questions.

THE COURT: If you want to discuss anything with any of the attorneys after your testimony, you can do that, but right now we just want to have your answers to the questions put to you.

week only on Tuesday and Thursday of next week. Since we are suspending over a weekend, three days, let me especially caution you, you are not to discuss the case with each other or at home or anywhere, and please resist the temptation to come to any conclusions, even tentative ones, about what you heard. The witness you are now hearing, the direct examination hasn't been finished, there hasn't been cross examination so just try to keep all that you have heard in mind, but not come to any conclusion about it, and please don't discuss it. I have no reason to think anyone is going to be in the newspapers or on the media about this, but if there should be, please make a special effort not to read about the case, not to listen to any report about it, if there should be one. I have no reason to think there will be, and don't permit anyone else to bring any news report to your attention if there should be one.

Jury is excused until 10 o'clock Tuesday morning.

(Jury excused.)

THE COURT: Mr. Stanton, you will, of course, have to return Tuesday, 10 o'clock. Do you understand that?

THE WITNESS: I am losing a lot of time.

THE COURT: Well, I know that happens, but it's something your employer is going to have to put up with. I realize that's a problem, but you remain under subpoena and you will have to be here 10 o'clock Tuesday, do you understand that?

THE WITNESS: I will try.

THE COURT: Well, it's more than an effort, because if for any reason you are not here, it will be necessary for some official to go and bring you here, so it would be much simpler for everyone concerned if you appear here when you are supposed to.

MR. MAXWELL: I think if Mr. Stanton could be advised that on Tuesday we probably could conclude all proceedings with him, it might set his mind at ease.

THE COURT: I would expect that you will be finished sometime in the middle of that morning, and once that's finished, then you are finished as a witness in this case. Let me also instruct you that you are not to discuss your testimony with anyone between now and Tuesday, do you understandthat?

THE WITNESS: Yes.

THE COURT: Now with Mr. Maxwell or any government official or anyone. Do you understand that?

THEWITNESS: I understand.

Q. Who did you give the keys to?

A. Earl.

Q. Now, subsequent to that, did anyone leave your apartment?

A. Yes, both of them left.

Q. Did they leave together?

A. Yes.

Q. Mr. Robinson, after they left your apartment, did you leave your apartment?

A. No, not then. It was about 45 minutes before I left.

Q. When you left your apartment, where did you go?

A. I went down to the police headquarters.

Q. Did you go downstairs from your apartment?

A. Yes.

Q. When you went out onto Main Street, did you notice whether the Pontiac GTO was in front of where you left it?

A. No, it was gone.

Q. Where did you go then?

A. Down to police headquarters.

Q. Did you make a report that the vehicle was stolen?

A. Yes.

Q. What police department did you make the stolen report to?

A. Ansonia Police Department.

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Q In fact, when you made this report of a stolen vehicle, this was a nontruth?

A Right.

Q Mr. Robinson, when you went downstairs and saw your vehicle was not where you had left it the night before, did you see any other neighbors in the area there?

A No, I didn't see anybody.

Q Do you recall if you saw a Mr. Stanton?

A Yes, I saw him after, not that day. I saw him that evening. I didn't see him that morning.

MR. GRAY: If your Honor please, may that answer be stricken, because it's not responsive tothe question? After you left, did you see any other neighbors outside?

MR. MAXWELL: I can ask it a different way.

THE COURT: He saw a neighbor, apparently, that evening.

MR. MAXWELL: I can clear it up. After he left, he saw a neighbor -- the question didn't limit to time.

MR. CLIFFORD: The problem is the time sequence.

MR. GRAY: I thought as he was talking as he left the house and walked outside did he see any neighbors. Maybe I misunderstood the thrust of the question.

THE COURT: The witness apparently took it to be

Q As what?

A FBI agent.

Q Did he have a conversation with you concerning your Pontiac GTO automobile?

A Yes.

Q Did you give him the story concerning the Pontiac GTO automobile?

A Yes.

Q Was it an entirely truthful story?

A No.

Q Did you withhold information?

A Yes.

Q What information did you withhold?

A Well, I didn't tell him I gave him the key for the car.

Q At this point in time, were you aware of the location where your car could be found?

A Yes.

Q Had somebody advised you that location?

A Yes, they said the car would be on the back road to New Haven.

Q Who told you that?

A Charles.

Q Charles Harris told you where you could find your

you had from the grand jury?

A. Yes.

Q. Is it fair to say that you lied to the grand jury?

A. Yes.

Q. What information did you withhold from the grand jury?

A. I didn't tell thewhole story.

Q. What significant part of the story did you leave out?

A. Well, a lot of it was about the car, by the police department when I went down to report the car stolen.

Q. Would it be fair to say that the part that you left out concerned that you had voluntarily given the key of your car to --

MR. CLIFFORD: Objection.

THE COURT: Sustained.

Q. Mr. Robinson, what was the significant part that you left out, that you withheld from the grand jury?

A. That they took the key off the dresser.

Q. Mr. Robinson, subsequent to that appearance at the grandjury, did you have a conversation with me?

A. Yes.

Q. Did we discuss lying?

MR. CLIFFORD: Objection. I object on the ground that's a leading question, and I don't know who is

A. No.

Q. Were you given a promise against being prosecuted for perjury?

A. Yes.

Q. What was that promise and who was it made by?

A. You.

Q. What did I tell you?

A. You told me if I told the truth, I wouldn't be charged with perjury.

Q. Subsequent to the events of November 6, 1972, did you regain possession of the Pontiac GTO?

A. Yes.

Q. From whom did you obtain possession?

A. The Center Garage in Derby. I don't know the name of the garage.

Q. You went to a garage in Derby?

A. Yes.

Q. Were you able to start the vehicle when you got there?

A. No. I didn't have a key.

Q. At some point in time, did you remove the vehicle from this garage?

A. Yes.

Q. How did you do that?

A. I had to change the ignition -- I bought a new

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A. Yes.

Q. Do you know that some people are being prosecuted?

A. Yes.

Q. Do you understand that's a very serious matter?

A. Yes.

Q. Miss Jones, in the past when you spoke to FBI agents and when you came to the grand jury and testified before the grand jury here in New Haven, did you always tell the truth?

A. No.

Q. Is your answer: no?

A. Yes.

Q. Is it fair to say that you withheld information that you had at that time?

A. Yes.

Q. Subsequent to those occasions have we had some conversations concerning telling the truth?

A. Yes.

Q. Have I asked you to do something on the witness stand here?

A. Yes.

Q. What have I asked you to do?

A. To tell the truth.

Q. Are you prepared to do that today?

A. Uh-hun.

THE COURT: That objection is overruled.

MR. CLIFFORD: I will make one objection. This is the second witness we have had that's been bootstrapped past two grand juries. I am getting more than a concern that we have people of obvious limited intelligence who now come in to testify about matters that was not the subjectof their previous grand jury testimony. I really just make that as an observation. I'm not making any formal motion. I am getting a little disturbed. I am not necessarily pointing fingers at anybody, I'm just saying it's a rather peculiar situation. It's the first trial that I ever had this kind of situation develop. I think it calls for some extra concern and care concerning the testimony of these witnesses. I don't want to be bobbing up and down like a yo-yo in front of that jury. The whole pattern of leading questions with this kind of a witness of very limited intelligence concerns me greatly.

THE COURT: The leading question matter has been raised and I cautioned counsel, whether she is called before a grand jury or not doesn't affect that. I don't know what you want me to do with respect to her not being in front of a grand jury.

MR. GRAY: If your Honor please --

MR. CLIFFORD: I'm requesting that everybody exercise some caution and care. I want to make sure that the rules are being played the way they should be played.

MR. MAXWELL: I don't know.

THE COURT: There hasn't been any testimony that has been elicited that Mr. Maxwell has unfairly elicited.

MR. CLIFFORD: I'm not suggesting that. What I'm suggesting is that we have a witness of very limited intelligence, that's the way it appears to me, and this is the witness we have to be most careful with the leading question pattern because we are getting down to the nitty-gritty kind of things. I want that to be clear.

MR. GRAY: I don't want to bring it before the jury until Mr. Maxwell finishes his direct. But it's now, from my understanding of the testimony, that he has elicited, that this girl did appear before the grand jury in Hartford and we do not have -- we have not been provided with any transcript, whatever her testimony was, at this point.

MR. MAXWELL: That's not a fair statement. I will clear it up with the witness. She appeared in

Q So on that occasion you didn't tell the grand jury the truth, is that fair to say?

A Yes.

Q So what I want to know is, and what the ladies and gentlemen of the grand jury here today are inquiring about is: are you telling the truth today?

A Yes.

Q Have you been warned about what it means to commit perjury?

A Yes.

Q What do you understand perjury to be? Do you understand it to be to tell a lie when you have sworn that you are going totell the truth?

MR. GRAY: There is a question pending that the witness has not answered.

THE COURT: This witness is obvicusly a very reluctant witness when it comes to answering almost any question, and Counsel is certainly not leading as to anything that's remotely accusatory.

MR. GRAY: I'm not objecting on the basis of leading. As I understand it, there is a question pending which the witnesshas not answered. Whenever Mr. Maxwell doesn't get an answer that he wants, he asks another question.

witness may be disqualified if the judge finds, A, that the proposed witness is incapable of expressing themselves concerning the matter so as to be understood by the judge or jury, either directly or through interpretation by one who can understand or, B, the proposed witness is incapable of understanding the duty of a witness to tell the truth, and I have not been able to find any cases addressing themselves to that particular point last night, but it seems to me that certainly with respect to this witness' incapacity or incapability of understanding the duty to tell the truth, her testimony is clearly incompetent for the reasons I have just previously stated.

THE COURT: I'm not going to rule as a matter of law that she is incompetent. I don't see any indication that she doesn't understand what the oath is, whether she is telling the truth is another matter, and that is something that the jury has to decide and not the Court.

When I referred to the difficulties counsel were having, it wasn't because of factors bearing on her competence, but factors bearing on what I take to be her fright. She seems to me to be a very scared young lady, and that doesn't disqualify her. I don't know what she is scared of, whether she has caused to be scared are matters that have not been developed but -- and maybe shouldn't be, I don't know, but that's the

impression I have. Not that she lacks comprehension, but that she is scared. She doesn't speak very loudly, and she does get somewhat confused when multipart questions are put to her. She is young and she is scared, but I don't see any indication that she is lacking in that level of comprehension which entitles her to give testimony in the case. I appreciate that she presents a problem to all counsel because of an obvious reluctance to simply give the type of full responsive answer that would assit the course of questioning by all counsel But the remedy for that, it seems to me, is not to disqualify the witness, but to request of counsel an effort to put their questions with extra care, to limit them to one point at a time, so that the witness can deal with them. But I don't find that she is incompetent to testify.

MR. GRAY: I don't read the witness as your Honor does with respect to fright. I am particularly mindful of the fact that she was asked at least on two different occasions did she understand the meaning of the oath, and certainly there was no reason for her to be frightened to respond to that particular question. It seemed to me she simply didn't understand the word. She was asked both on direct and cross examination, and I just havediffi[illegible]ity --

THE COURT: I think when the point of that inquiry was made clear she responded very directly. She indicated, when

A. Yes.

Q. Would you just briefly give us a description of him in your own words?

A. He is about five-seven, about 145, with artificial right hand, brown complexion.

Q. When you say brown complexion, there are different shades of brown, is he your complexion?

A. No, a little lighter than me.

Q. Is he my complexion?

A. No.

Q. Is he lighter than I am?

A. I would think so.

Q. You don't think so?

A. I say I would think so.

Q. On the morning of the robbery, when you testified that you saw him, do you recall what kind of clothes he was wearing?

A. He had a black three-quarter length coat, green turtleneck sweater, black tie, I think -- black tam, I think it was.

Q. A tam?

A. I don't know what you call it. It looked like a beret tam.

Q. Mr. Robinson, showing you Defendants' Exhibit A, do you recognize that picture?

A. Yes.

Q. Is it a picture of someone you know?

A. Earl Harris.

Q. That's the man you described?

A. Yes.

MR. GRAY: Nothing further.

CROSS EXAMINATION

BY MR. CLIFFORD:

Q. Good afternoon, Mr. Robinson.

A. Good afternoon.

Q. Mr. Robinson, you have indicated to the ladies and gentlemen of the jury under oath here today that you filed a false stolen motor vehicle report --

A. That's right.

Q. -- on November 6, is that correct?

A. Correct.

Q. What did you tell the police as to when the car was stolen?

A. I told them sometime between 12:00 that night and the next morning.

Q. It's your testimony today that that was not true, is that correct?

A. Right.

Q. I think you further testified before the ladies and

Q Subsequent to this robbery, were you shown photographs to see if you could identify any of the people who participated in the robbery?

A Yes.

Q How many occasions were you shown these photographs?

A Two occasions.

Q Do you recall the first occasion?

A Yes.

Q Could you tell the Court when that first occasion was?

A That was the afternoon of the robbery.

Q That would be the afternoon of November 6?

A November 6.

Q 1972?

A Yes.

Q Can you tell us how many photographs you were shown that afternoon?

A Six to eight, I would say, roughly.

Q On that occasion, did you pick out any photograph as the person who held the gun on you earlier thatmorning?

A No.

Q You did not?

A Not as a person that held the gun on me.

Q Not as a person that held the gun on you?

A No.

Q Did you pick out any photograph?

A Yes.

Q What photograph was that?

A I picked out a photograph that I thought resembled the man that held the gun on me.

Q You picked out a photograph that you thought resembled the man who held the gun on you that morning?

A Yes.

Q So that when you said: no, to my previous question, it was because of the way I asked the question, was it?

A Yes.

Q In other words, you are telling us that you picked out a photograph the afternoon of the bank robbery, and it was a photograph that to you resembled the man who held the gun on you?

A Right.

Q Do you recall the photograph that you picked out?

A No, I couldn't possibly say if I recall it.

Q When was the last time you saw that photograph, Mr. Buckley?

A . I think I picked one out yesterday that I thought was that one. I'm not positive it was. I think it might have been the one I picked out.

Q That was a photograph who resembled theman -- that

presenting to the jury the fact that defendant Catron's photo is not in the spread. The simplest way is by a stipulation.

MR. GRAY: Fine. So stipulated.

THE COURT: We will take a short recess. I will ask the clerk to mask the back of what's been marked Exhibit 6-B in the earlier hearing.

(Recess taken.)

(Jury entered courtroom.)

CROSS EXAMINATION CONTINUED

BY MR. GRAY:

Q Mr. Buckley, before the recess, I believe I was asking you about the photograph that you picked out on the afternoon of the bank robbery?

A Yes.

Q Do you recall picking out a photograph on the afternoon of the bank robbery?

A Yes.

Q You picked that photograph out as resembling the individual who held the gun on you earlier that morning?

A Yes.

Q It's fresh in your mind, the events of that morning, is that correct?

A Yes.

Q You looked at some photographs?

A Yes.

Q And picked one out as resembling the individual who held the gun on you earlier that morning?

A Yes.

Q Now, showing you a photograph, is that the photograph that you picked out on the afternoon of November 6, 1972, the afternoon of the robbery, as the photograph which resembled the individual who held the gun on you earlier that morning?

A I believe it is.

MR. GRAY: I would offer it, if your Honor please.

MR. MAXWELL: Has that been marked?

MR. GRAY: No.

THE COURT: Defendants' A, full exhibit without objection.

(Defendants' Exhibit A was received in evidence.)

MR. GRAY: May I show this to the jury, if your Honor please, Defendants' A?

THE COURT: Yes.

Q Mr. Buckley, I want you to take Defendants' A and hold it and look at it, and compare it with Government 7, and 8. If I recall correctly, earlier on cross examination you stated that the individual in the front of Government 7 and 8 was wearing a beret type hat and dark glasses is not the

individual who held the gun, is that correct?

A. That's correct.

Q. I believe you stated that the reason why that does not look like the individual, referring -- that meaning the individual in Government 7 and 8 who held the gun on you is because he is in that photograph or those photographs wearing dark glasses, is that correct?

A. Yes, that's correct.

Q. It's been your testimony, correct me if I am wrong, that the individual who held the gun on you that day did not have on dark glasses, that is now your testimony as of today?

A. Yes.

Q. No question in your mind about that?

A. Right.

Q. As you testify here today recalling the individual who held the gun on you, he, that individual, did not wear dark glasses?

A. Right.

Q. No question in your mindabout it?

A. Right.

Q. There is no question in your mind that Defendants' Exhibit A is a photograph you selected on the afternoon of the bank robbery as the individual who resembled the man who held the gun on you that morning?

hearing when he was again -- picked out these same photographs that he picked out on the afternoon of the robbery, which is not a photograph of my client. I could limit it --

THE COURT: I understand what you want. My question is: why does the identity of the person portrayed in the photo he did not select advance any claim that you want to make?

MR. GRAY: One of the reasons why, your Honor, this is an occurrence that happened, that took place for approximately 30 seconds of Mr. Buckley's life, and this morning in open court before a jury he has positively identified my client as the man who held the gun on him, and the point being, I don't think Mr. Buckley really knows, and that if he saw these photographs again, he might pick out the same one or he might pick out a different one. He might pick out one of the police officers whose photographs that were displayed to him. I could pick out the photograph he selected.

THE COURT: I thought that the point, you want the jury to know on a certain day or two days, in fact, that after the bank robbery he selected a photograph that was different from your client.

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trial because of his friendship with Charles Harris, and if
hat's a fair comment, then I mustinsist that you find Ronald
atron not guilty, because he is not charged with being a friend
f Charles Harris; as has been pointed out to you, this is still
merica, we are still a democracy, and in spite of its many faults
nd mistakes, the government hasn't gotten around to making it
crime to be a friend, and I say that because I think it fair
to say, but for that friendship, Mr. Catron wouldn't be here today.

I want to briefly try to review some of the
evidence, as I recall it, that the government presented against
my client. Mr. Maxwell very artfully glossed over the high
points of what he considered important with respect to convicting
my client prior to the lunch hour. As I recall, he presented
three banktellers. They didn't say anything about Mr. Catron,
nor did Mr. Maxwell ask them anything about Mr. Catron.

When that robbery took place, as I recall it,
those three tellers were at their various desks or posts. There
were no other clients or people in the bank doing any bank business.

Mr. Buckley, as you recall, was coming out of
the lavatory when a gunman stuck a gun in his face, and you got
to know that's a frightening experience, and told him to get
back in there. Mr. Buckley made a very dramatic statement
before the jury, and I did go into extensive cross examination
with him, because that was the first time he had ever made that

kind of statement using the curse words, and as you recall, he testified: well, he spoke with Mr. Maxwell about it that morning, and I said, "You never told the FBI that? You never testified before the grand jury," but okay, if that's his recollection, that's fine. I can't quarrel with it because I really don't know, but Mr. Buckley also said, as I brought out in questioning him, thathe saw this man, he stuck a gun in his face, for approximately 30 seconds.

I asked him how long. He said a little while. I asked him to approximate, and he said finally about 30 seconds. Very brief, brief span of time, obviously.

I don't know what kind of image was impressed upon his mind, because I can't get into his mind, but it seems very important to me that that same afternoon Mr. Buckley was asked by the FBI to look at some photographs to try to identify who stuck the gun in his face, and I ask you to recall, this is the picture that he identified, and that I brought out on cross examination.

This is Mr. Catron's picture. This is what Mr. Catron voluntarily gave to Mr. Maxwell when he came to testify before the grand jury.

We talked about time, we talk about the impression one gets in one's mind. I think it fair to say that if someone sticks a gun in your face this morning at 11 o'clock

and that afternoon two or three hours later the FBI shows you a picture, that picture that you select that afternoon is going to be closer to the picture of the man you recall from that morning than a man you see in a courtroom a year later and whom you say, well, it resembles the man.

I say, well, Mr. Buckley picked out this picture on November 6, 1972. "Well, yes, but after I spoke with my wife and Mr. Maxwell, I knew that Mr. Catron was the man."

I'm not saying that Mr. Buckley gave false testimony, because I don't believe he did. I think he was mistaken and I can understand, and I think you can, the pressures that he as a bank manager is under, and has been under to help solve this case, the power of suggestion is unbelievable.

I don't know the conversation that took place --- between Mr. Buckley and Mr. Maxwell during those recesses, but I do know that he came in here and said that my client was the man he saw on November 6 after picking out a picture, and there is no secret about who this is, Earl Harris, known as Giant, and you heard enough about him during the course of this trial.

But there was something else very interesting, and I hope you will recall it. One of the questions I asked Mr. Buckley was that I noted that Mr. Maxwell never asked him about the voice of this man who stuck a gun in his face, and said, "Okay, get back into that room and don't push no buttons," or

He was never asked about them, apparently, and I will ask you to recall that the gentleman from the phone company yesterday was asked in explaining that statement of my client's phone that the bill totaled $49.24 and was paid in two parts. $49.24 is not a whole lot of money, but it's significant to me not only were there a lot of calls from Boston to the New Haven area, which my client says he didn't make, but he paid them sometime after the statement came out in two parts.

Here's a man whose home was -- I guess "raided" is as good a word as any, by the FBI apparently seeking Mr. Harris, apparently seeking whatever else they could find, and as Mr. Clifford pointed out, and I will remind you, there has been no connection made between Mr. Catron and any weapons or any money or any fingerprints, that's very significant, because if you believe the government's case, and the FBI did this extensive investigation, and if they had found fingerprints or money or guns, obviously, they would have been presented to you, but there is none of that in this case.

What we do have is the government's theory that there were three people, and I don't think there is any question about it, there were three people who robbed this bank, and one of them somewhere down the line was said to be a light skinned Black male, and somewhere down the line after Mr. Catron came to testify before the grand jury, lo and behold,

here he is a light skinned Black male, and someone gets the idea here's the third man.

They already arrested Charles Harris. They already had spoken with Rene Jones about Earl Giant Harris, and here's a guy who fits the description, fits the description because of his coloration, not because of any fingerprints, not because of any confession, not because of anything of that nature, but he fits the description because of his coloration, and that's what the government has throughout this case emphasized.

They never talked about his voice, they never talked about fingerprints, but here's a light skinned male. Everybody makes mistakes. I don't think Mr. Catron should be convicted because of someone making a mistake because he happened to fit the picture of that third bank robber.

I also ask you to recall among the people who were not related and were not friends of Mr. Catron's, the testimony of Mr. Perry. What reason would this man have to come and testify falsely to you that he saw Mr. Catron that morning in Mr. Catron's apartment, when he went by to pick him up? What reason? That's something you have to answer yourselves.

What reason would Gail Johnson have? They weren't close friends, sure, they live in the same building and she knows his wife. Does that mean she is coming all the way from Massachusetts to give false testimony? I think not.

These people came and told you the truth about what they knew, and I believe it was Mrs. Harvey said, she had to think about it, and what reminded her, what triggered in her mind the events of that day while she was having trouble with her menstrual period, and she went to check the books she was keeping, and that's how she came to remember those events.

When she, along with other witnesses, are interviewed by Mr. LeBlanc back in February, those were people who testified as to what they knew concerning my guy that day, and I believe they testified truthfully ahd honestly.

I am not going to detain you any longer. I have asked you questions, I hope I have raised in your minds questions that you might not haveconsidered in listening to Mr. Maxwell.

Again, I think it fair comment to say that were it not for his friendship with Charles Harris, Mr. Catron wouldn't be on trial before you, and that's not a crime to be a friend, and not to tell the FBI the truth about where your friend went when they came looking for him, and because of that he has had to undergo this tragedy, and it has to stop now, and it will stop with you, because this is where the buck stops, with you ladies and gentlemen of the jury. I request that you find him not guilty and end this tragedy.

Thank you.

least all of the evidence in the case of Charles Harris, as to whether or not theperson who called in was Charles Harris. The fact that it's admissible doesn't mean that you are to automatically assume that it was. That's a question for you to decide when you have heard all the evidence that affects Charles Harris' case.

Q Detective Cohens, I believe you indicated that the party on the other end of the telephone indicated that he was Charles Harris?

A Yes, sir, he did.

Q Would you relate the conversation that you had with this person in that phone call on the evening of November 15, 1972?

A Yes, sir. After he had stated to me that he was Charles Harris, I then stated to him that the FBI and another police agency were looking for him. I wouldn't ask him where he was because I just wanted to talk to him. I told him it would be best for him if he came in and got this matter straightened out, and his picture was on the TV, and also in papers, and he also stated to me at that time that, "I know, it was a stupid thing that we did."

I also asked him if he would consider surrendering himself to me, and that I would meet him by myself and that I

wouldn't bring anybody else with me, just to assure him that he wouldn't be harmed in any way.

Q Detective Cohens, you indicated that his picture was in the paper and on TV.

MR. CLIFFORD: Objection to that. I move for a mistrial. There has been no testimony by this officer that there was any picture in the newspaper.

THE COURT: I recall something about a newspaper. Are you questioning him about his last response, this witness' last response?

MR. MAXWELL: His conversation with Charles Harris.

THE COURT: Perhaps it would be well to read it back.

(Answer read.)

MR. CLIFFORD: My motion still stands.

THE COURT: I thought your concern was that the question went beyond the answer.

MR. CLIFFORD: That's one concern. The other concern is that this is a back door approach to an evidentiary --

THE COURT: The reference to television?

MR. CLIFFORD: Yes, your Honor. If I can approach the bench, I will make the offer of proof.

THE COURT: All right.

(Conference at the bench.)

MR. CLIFFORD: This witness has testified substantially different from the way he testified at the probable cause hearing, at the suppression hearing, that's number one.

THE COURT: In what respect?

MR. CLIFFORD: The whole conversation about the picture in the newspaper and the radio can lead to one conclusion that they are talking about the bank surveillance picture. At least in my mind, and what there --

THE COURT: Why does it lead to that? If they were looking for Charles Harris, just as logical they would have put out a picture of Charles Harris. In fact, more logical, because your point is he is not very identifiable from that photo.

MR. CLIFFORD: My concern is I see testimony coming in here that was never offered to this Court before in the suppression hearing, the content of that conversation. And I see that as an effort to get that bank surveillance photo in before this jury, even though they can't do it any other way. Maybe I'm oversensitive to the issue.

THE COURT: I don't know why they can do it any

way. I don't understand that argument. In any event, this witness has not testified to it. He says they are looking for you and your photo has been in the paper. I think if the jury concludes anything from that, they assume it's a readily identifiable photo.

MR. CLIFFORD: Okay.

(Conference at the bench concluded.)

MR. MAXWELL: Read back the last question.

(Question read.)

Q That question can be answered by yes or no.

A Yes.

Q Detective Cohens, were you referring at that time to something that you yourself had seen?

THE COURT: Just a minute. The point of the objection raised a matter that has been raised before. If counsel is in any doubt what I'm referring to, we can come back to the bench and discuss it. In effect, I have overruled the objection to the -- at the point it was taken just now, but I have sustained it with respect to the point previously raised as to characterization.

MR. MAXWELL: I'm not intending on going into characterization. that was something that this officer

had himself seen.

THE COURT: All right. The issue that defense counsel is properly objecting to has been made well known, so that any questioning has to be appropriately handled.

Q Detective Cohens, can you answer that question in a yes or no?

A. What was the question again?

Q The conversation with Mr. Harris on the telephone that evening, and you indicated that a picture of him had appeared on television and in the newspaper?

A. Yes, sir.

Q Was this a picture that you yourself had seen?

A. Yes, sir, I had seen.

Q AT that time, did he indicate to you whether or not he was aware of that event occurring?

A. Yes, sir, he said he knew.

Q Detective Cohens, I believe you indicated that he said, "It was a stupid thing we did"?

A. Yes, sir.

Q Do you know what he was referring to by that?

MR. CLIFFORD: Object to that.

THE COURT: Sustained.

Q Detective Cohens, at the time that statement was made